



City of Troy

**AGENDA, TROY CITY COUNCIL**  
**MONDAY, MAY 4, 2015, 7:00 P.M.**  
**COUNCIL CHAMBERS, CITY HALL**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**ROLL CALL**

excuses by motion/second/roll call vote

**INTRODUCTIONS**

Jeff Monce, Water Plant Superintendent  
Ralph Walters, Assistant Water Plant Supt.

**PUBLIC HEARING**

O-11-2015 Rezone part of IL 6047, area of 14.577 Acres, from B-2, General Business District, to a Planned Development (PD)

**SUMMARY OF MINUTES**

April 20, 2015

motion/second/roll call vote

**COMMITTEE REPORTS**

Citizen comments on committee reports or agenda items – two minute limit

**RESOLUTIONS** None

**ORDINANCES**

O-11-2015	Rezone part of IL 6047, area of 14.577 Acres, from B-2, General Business District, to a Planned Development (PD).	PUBLIC HEARING 5-4-2015	3 <sup>rd</sup> Reading
O-12-2015	Rezone part of IL 9891, area of 25.422 acres from A-R, Agricultural-Residential District to R-3-B, Single-Family Residential District	PUBLIC HEARING 5-18-2015	1 <sup>st</sup> Reading

**COMMUNICATIONS/ANNOUNCEMENTS**

COMMENTS: Mayor, Director of Public Service & Safety, Director of Law, Auditor, Council President

COMMENTS: Council

COMMENTS: Staff

**ADJOURN**

NOTE: Committee meetings may take place prior to or following Council meeting

**CITY OF TROY MISSION STATEMENT:**

*Through sound and prudent leadership, the City of Troy is committed to sustaining its continued prominence as a regional hub by providing a well-balanced community for its residents, businesses and visitors, consisting of a vibrant downtown, growing economic base, strong educational environment, and plentiful recreational opportunities strengthened by public/private cooperation and grounded in financial stability.*

## DISPOSITION OF ORDINANCES AND RESOLUTIONS

**Date of Meeting: May 4, 2015**

## Troy City Council Meeting

[illegible]

## MINUTES OF COUNCIL

A regular session of Troy City Council was held Monday, April 20, 2015, at 7:00 p.m. in Council Chambers.

Members Present: Clark, Heath, Kendall, Oda, Phillips, Schweser, Snee, Tremblay and Twiss.

Presiding Officer: Martha A. Baker, President of Council

Others Present: Michael L. Beamish, Mayor  
 Patrick E. J. Titterington, Director of Public Service and Safety  
 James Livingston, Director of Law  
 John A. Stickel, Auditor

INVOCATION: The meeting began with the Pledge of Allegiance, followed by an invocation given by Council Member Tremblay.

INTRODUCTION: Christy Buetera, hired as Assistant City Engineer effective March 9, 2015, was introduced.

MINUTES: The Clerk gave a summary of the minutes of the April 6, 2015, meeting of Troy City Council. There were no corrections or additions to these minutes. A motion was made by Mr. Clark, seconded by Mr. Tremblay, to approve these minutes. Motion passed by unanimous roll call vote.

#### COMMITTEE REPORTS:

Law & Ordinance Committee:

Mr. Schweser, Chairman, gave an oral report that the following notices have been received from the Ohio Division of Liquor Control:

New D2 and D3 permits for LaFiesta Express, LLC, dba LaFiesta Express, 1133 W. Main Street.

New D2 permit for RYB Troy LLC, dba Raise Your Brush, 7 S. Market Street.

#### CITIZEN COMMENTS:

(There was a discussion related to O-10-2015 [reappropriation] and funds included in that Ordinance to assist the Troy Development Council with approximately \$20,000 for a study related to the potential development of the now vacant former ITW/Hobart Brothers site on West Main Street.)

-Jessica Minesinger, President of Troy Land Development, 7 S. Plum Street, commented that she is pleased that the proposed study will be done. Mrs. Minesinger also advised Council that Troy Land Development has made an offer to purchase the property, and she feels that the study will assure the public and seller that all avenues have been explored so that the development of this land is the best fit for the community. She stated that if the land is sold to her company, she will comply with the recommendation of the study should it be indicated that development as a PD is the best fit for the property.

-J. C. Wallace, President of the TDC, stated that he encouraged the funding of the study to help assure that the highest and best use of the land is determined from a community standpoint as ITW moves forward to sell the land. He commented that the TDC has been asked by ITW to evaluate the potential purchases of the land and provide the company with a recommendation.

-Mr. Phillips questioned the timing of the study versus that an offer has been made to purchase the land.

-Mrs. Oda suggested a study should be the responsibility of a purchaser. Mr. Titterington commented that the study will benefit the TDC and City in helping the owner evaluate proposed purchasers.

- Mr. Clark commented that the land is not owned by the City and the purchaser will not be negotiating with the City.

-Mrs. Baker asked if the City would require this land to be developed as a Planned Development (PD) or under traditional zoning. Mr. Titterington commented that the study results should help determine if a PD made more or less sense. It was stated that the study should take 2-3 months to be completed, once the firm or firms are selected by the TDC.

-Mr. Clark asked about recouping any City expenses from the purchaser. Mr. Titterington advised that the information from the study is to help the owner and the City/TDC identify what kind of development should be pursued, and having the cost paid by the developer is not anticipated. Mr. Titterington noted that both the City and the TDC will be funding the study.

-Mr. Twiss commented that he understands such a study being done is not abnormal and not unreasonable with such a large parcel to be developed and it seems wise to take this step to assure the best use of the land.

-Lester Conard, 1210 S. Clay Street, stated he would like to see the ITW/Hobart Brothers parcel stay green space, and he feels the owner or developer should pay for a study. Regarding the City having some larger than anticipated fund balances, he suggested those funds be used for paving and the City not collect the license plate fee.

(The following comment is on another subject.)

-Cynthia Scheafer, 26 ½ N. Short Street, stated she is concerned about traffic out of the proposed senior care facility on Troy Towne Drive (O-11-2015), she feels the proposed location is not good for the proposed use, and that a senior care facility would only provide low paying jobs. Regarding traffic, Mr. Titterington commented that motorists could access Troy Towne Drive from Experiment Farm Road or West Main Street.

RESOLUTIONS            NONE

ORDINANCE NO. O-10-2015

ORDINANCE AMENDING ORDINANCE NO. O-36-2014, AS AMENDED BY ORDINANCE NO. O-9-2015, APPROPRIATING FUNDS NECESSARY FOR THE VARIOUS DEPARTMENTS AND OFFICES OF THE CITY OF TROY, OHIO, FOR THE YEAR 2015

This Ordinance was given first title reading on April 6, 2015.

Given second title reading.

Mr. Kendall moved for suspension of rules requiring three readings. Motion seconded by Mr. Tremblay.

Yes: Twiss, Clark, Heath, Tremblay, Schweser, Kendall, Snee and Phillips.

No: Oda.

Mr. Kendall moved for adoption. Motion seconded by Mr. Schweser.

Yes: Clark, Heath, Tremblay, Schweser, Kendall, Snee, Phillips and Twiss.

No: Oda.

ORDINANCE ADOPTED

ORDINANCE NO. O-11-2015

ORDINANCE CHANGING THE ZONING OF PART OF INLOT 6047 (PARCEL NO. D08-056329) IN THE CITY OF TROY, OHIO FROM B-2, GENERAL BUSINESS DISTRICT, TO A COMMERCIAL PLANNED DEVELOPMENT

This Ordinance was given first title reading on April 6, 2015.

Given second title reading.

COMMENTS OF THE MAYOR: Mayor Beamish noted that Assistant Fire Chief Simmons has been awarded a full scholarship by the International Association of Fire Chiefs to attend the Fire Executive Academy in May. The Mayor also noted that a monumental size (31') sculpture of President Abraham Lincoln will be on display from May 3 through late October as the 2015 Sculptures on the Square exhibit.

CITIZEN COMMENTS:

Cynthia Scheafer, 26 ½ N. Short Street, commented that the new sidewalk areas on Water Street look great, and she is happy to see the lighthouse at Treasure Island Park as it reminded her of the lighthouse that used to be there.

There being no further business, the meeting adjourned at 7:37 p.m.

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Clerk of Council

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President of Council

**ORDINANCE No.** O-11-2015

Dayton Legal Blank, Inc.

**ORDINANCE CHANGING THE ZONING OF PART OF  
INLOT 6047 (PARCEL NO. D08-056329) IN THE CITY OF  
TROY, OHIO FROM B-2, GENERAL BUSINESS  
DISTRICT, TO A COMMERCIAL PLANNED  
DEVELOPMENT**

**WHEREAS**, a request for zoning change was presented to the Planning Commission of the City of Troy, Ohio, to rezone part of Inlot 6047 (14.577 Acres), Parcel D08-056329 in the City of Troy, and

**WHEREAS**, the Planning Commission of the City of Troy, Ohio, has reviewed the plan as modified during the review process and has recommended approval of the plan as modified, and

**WHEREAS**, at least thirty days notice of the public hearing of said change has been provided in a newspaper of general circulation,

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Troy, Ohio as follows:

**SECTION I:** That the zoning of part of Inlot 6047, Parcel D08-056329, consisting of 14.577 acres, in the City of Troy, Ohio, and further described in Exhibit A, attached hereto, be changed from of B-2, General Business District, to a Commercial Planned Development (PD).

**SECTION II:** That this Ordinance shall be effective at the earliest date allowed by law:

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor



**PROTECTIVE COVENANTS AND RESTRICTIONS AGREEMENT**

**THIS PROTECTIVE COVENANTS AND RESTRICTIONS AGREEMENT** (this "Agreement") is entered into on this \_\_\_\_ day of April, 2015, by and between the **CITY OF TROY** ("City"), and **UNIFIED PROPERTY GROUP, LLC**, a Michigan limited liability company, or its assigns ("Owner").

For the purpose of enhancing and protecting the value, attractiveness, and desirability of the Property referred to herein, Owner hereby declares that all of the real property described herein shall be held, sold, conveyed and transferred subject to the easements, covenants, conditions and restrictions contained herein, which shall constitute covenants running with the land and shall be binding on all parties having any right, title, or interest in such Property.

**RECITALS:**

A. Owner is the owner of that certain real property located in the City of Troy, County of Miami, State of Ohio (the "Property") as legally described in Exhibit "A".

B. City and Owner desire to enter into this Agreement to set forth certain protective covenants and restrictions relating to the Property.

**NOW THEREFORE**, in consideration of the covenants hereinafter set forth and other good and valuable consideration, City and Owner agree:

1. **PURPOSE.** It is the intent of these restrictive covenants to require that the Property be developed as an attractive, senior living development site, with ample landscaped open areas, attractive high quality structures, proper and desirable uses and appropriate development. The use of any portion of the Property shall all time conform to the applicable ordinances of the City of Troy, Ohio. In order to protect the owners, tenants and subtenants against improper use and to guard against violation of these goals, the following standards are enacted.
2. **STANDARDS.**
  - a. **Setbacks.** No building or structures shall be erected within the following minimum setback areas.
    - i. From side property line 25 feet
    - ii. From rear property lines 25 feet.
    - iii. From property lines abutting in the existing or proposed streets along highway rights of way – 25 feet

Where, however, the zoning ordinances of the City of Troy require greater setback, no building structure shall be erected within the minimum setback area provided for therein.

The setback areas are to be used exclusively for utilities, landscaping, lawns, driveways, area walks and off-street parking, providing, however, that no off-street parking be allowed in any front yard setback. Parking shall not be permitted within 10 feet on a right-of-way line on a dedicated street.

- b. Construction. Building constructions and designs should be such as to create a completed structure with four (4) attractive sides of high quality rather than creating a front elevation of significantly different materials from side and rear elevations. The side of any structure that is not facing a public right of way may be constructed of approved materials of the basic design used in the structure.
- c. Parking. Employee/Customer/Owner/Tenant parking will not be permitted on the private or publicly dedicated streets and it will be the responsibility of the Owner to provide the necessary parking facilities. Parking requirements shall be as follows:
  - i. The senior living use shall provide a minimum of one parking space per 1,000 square feet of gross floor space unless otherwise approved by Troy City Council.
  - ii. All parking areas shall be properly maintained by Owner.
- d. Building Materials. No exterior walls, including a rear wall, shall be permitted with exposed galvanized sheet, metal siding, concrete block, or light weight aggregate block, whether painted or not. All major equipment including but not limited to air conditioning equipment, heating equipment, electrical transformers, and dumpsters shall be screened from view with material consistent with the building material. Owner agrees to develop the building on the Property with a combination of vinyl siding and a minimum of 60% of either brick or stone on the exterior and all sides of the building as shown in Exhibit B, described as IL Entry – Brick Option or IL Entry-Stone Option Revised.
- e. Waste and Refuse. All materials or refuse, combustible or non-combustible, should be stored and maintained in closed containers. Such containers shall be shielded from view by permanent fully enclosed structures or screens using similar materials of the primary structure and consistent with the design of the building. Such containers shall be kept in a clean and sanitary condition.

- f. Landscaping. All open areas on a parcel not used for building, storage, parking, access roads and loading areas shall be suitably graded and drained and shall be seeded and maintained in grass and shall be further landscaped with trees and shrubs as to provide an attractive setting for the buildings and to screen parking, loading and road areas. The parking area of the site plan will have five percent (5%) of the interior parking area with landscaping per the City of Troy Zoning Code.
- g. Outside Storage and Equipment. No outdoor storage shall be permitted except for a minimal amount of storage which shall be permitted in the carports. Minimal amount of storage shall be defined as no greater than 10% of each carport.
- h. Fences. No fences, walls, hedges or mass planting shall exceed a height of 6 feet nor be erected or installed or permitted to remain within 30 feet of a property line or right-of-way line. Chain link fences are not permitted. Fencing shall be prohibited beyond the front plane of the buildings. Metal fencing shall be prohibited. Notwithstanding the foregoing, Owner shall be permitted to install a wrought iron fence around the detention pond in the event one is required. To the extent permissible under the City of Troy ordinance 521.07, the fence placed to hide trash storage shall be opaque.
- i. Building Coverage. In no case shall coverage by building, access drives and parking exceed a total of seventy percent (70%) of the Property.
- j. Permitted Uses. No more than forty percent (40%) of the Property may be used for retail uses which includes but is not limited to, retail store, café, bistro, pub style restaurant, beauty salons and fitness center. Any and all retail uses of the Property shall be confined to the interior of the building and used solely by the residents or families of the residents of the Senior Living Facility.
- k. Code Compliance. This site will be developed in compliance with all applicable building, engineering, and zoning standards unless specifically stated within this agreement.
- l. Design Layout. The design layout of the Property, including, but not limited to, buildings, sidewalks, parking areas, carports, and other amenities and structures of the Property shall follow the design layout of Exhibit C, which Exhibit C is incorporated herein by reference thereto.
- m. Sidewalks. It is the sole responsibility of the owner to maintain all sidewalks, walking trails, driving lanes and parking areas on the Property to City standards.



- n. Utilities. All utilities of the Property shall be located underground, including, but not limited to, telephone lines, cable lines, electric lines, water lines, sewer lines, etc.
- o. Solar Panels. No solar panels shall be permitted on the Property.
- p. Antennas and Satellite Dishes. No exposed or exterior radio or television transmission or receiving antennas, and no satellite dishes which exceed 24 inches in diameter shall be erected, placed, or maintained on any part of the Property.
- q. Swimming Pools. No outdoor swimming pools shall be permitted on the Property.
- r. Flag Poles. No more than three (3) flag poles are permitted on the Property provided that the top of the flag pole does not exceed the height of the principal structure.
- s. Vehicles. No boat, boat trailer, house trailer, camper, recreational vehicle, tent, or equipment or vehicle of a similar nature shall be parked or stored on the Property. This does not apply to necessary service vehicles to a limited period as may be necessary to service any part of the Property, provided that deliveries are made to the rear of the property. No inoperable motor vehicle shall be parked on any part of the Property. The repair of any motor vehicle on the Property is prohibited except for emergency repairs, and then only to the extent necessary to enable movement thereof to a proper repair facility.
- t. Signs. All signs shall conform to the City Sign Code requirements for signs as defined under the commercial zoning district. Exterior advertising of retail uses are prohibited.
- u. Clothes Lines. The use of exterior clothes lines shall not be permitted.
- v. Covenants and Restrictions. The Property is required to adhere to the "Amended and Restated Declaration of Covenants and Restrictions," created by HARSON INVESTMENT LTD., as recorded on April 9, 2004 at the Miami County, Ohio Recorder Office, as included in Exhibit D.

**[Signatures on Following Page]**

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first written above.

**CITY:**

**CITY                      OF                      TROY,                      a**

\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

**OWNER:**

**UNIFIED                      PROPERTY                      GROUP,                      a**

\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

**[Notarizations on Following Page]**

[Notarization Page to Agreement]

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of March, 2015, before me the subscriber, a Notary Public in and for said county, personally appeared \_\_\_\_\_, as \_\_\_\_\_ of the **CITY OF TROY**, a \_\_\_\_\_, to me personally known, who by me duly sworn, did say that said instrument was signed on behalf of said company and acknowledged said instrument to be the free act and deed of the company.

\_\_\_\_\_, Notary Public  
\_\_\_\_\_, County, \_\_\_\_\_  
My commission expires: \_\_\_\_\_  
Acting in \_\_\_\_\_ County

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of March, 2015, before me the subscriber, a Notary Public in and for said county, personally appeared \_\_\_\_\_, as \_\_\_\_\_ of the **UNIFIED PROPERTY GROUP**, a Michigan limited liability company, to me personally known, who by me duly sworn, did say that said instrument was signed on behalf of said company and acknowledged said instrument to be the free act and deed of the company.

\_\_\_\_\_, Notary Public  
\_\_\_\_\_, County, \_\_\_\_\_  
My commission expires: \_\_\_\_\_  
Acting in \_\_\_\_\_ County

**THIS DOCUMENT DRAFTED BY AND  
WHEN RECORDED RETURN TO:**

Adam P. Lumberg, Esq.  
Sullivan, Ward, Asher & Patton, P.C.  
25800 Northwestern – Suite 1000  
Southfield, MI 48075  
248-746-0700

## **EXHIBIT "A"**

**Situated in the City of Troy, County of Miami, State of Ohio, and being within Section 17, Town 5, Range 6 East and also being a part of Inlot 6047 of the consecutive numbered lots of the City of Troy bounded and described as follows:**

**Commencing at an iron pin found on the Southerly right-of-way line Towne Park Drive which marks the Northeast corner of Inlot 9433 of the Troy Towne Park Subdivision Section One as recorded in Plat Book 20, Page 12, said iron pin being the True Point of Beginning for the herein after described tract;**

**Thence, with the Southerly and Westerly right-of-way line of said Towne Park Drive the following three (3) courses:**

- (1) Thence, North 87 deg. 39'00" East a distance of 504.86 feet to an iron pin set;**
- (2) Thence, with a curve to the right of radius = 170.00 feet, delta angle = 89 deg. 18'32", long chord bears South 47 deg. 41'44" East 238.96 feet, and along the arc a distance of 264.86 feet to an iron pin set;**
- (3) Thence, South 03 deg. 02'28" East a distance of 885.08 feet to an iron pin set on the common lot line between Inlots 6047 and 7996;**

**Thence, with the said common lot line, South 87 deg. 18'53" West a distance of 188.89 feet to an iron pin set;**

**Thence, North 61 deg. 07'04" West a distance of 580.80 feet to an iron pin found, corner to Inlot 9433 and on the Easterly line of said Troy Towne Park Sec. One;**

**Thence, with the lot line and said plat line, North 02 deg. 21'00" West a distance of 752.92 feet, returning to the True Point of Beginning, containing 14.577 acres, more or less.**

**Description Prepared by Professional Associates, Inc. - M.L. Oxner, Reg. Surveyor No. 6209, March 5, 2004. Bearing basis correlated to the section line and centerline of Experiment Farm Road as North 02 deg. 21'00" West per SV 12 Plat 107. Iron pins set are 5/8"dia. x 30"L with ID cap.**

**Parcel No. D08-056329**

# EXHIBIT "B"



IL ENTRY - ORIGINAL STONE OPTION



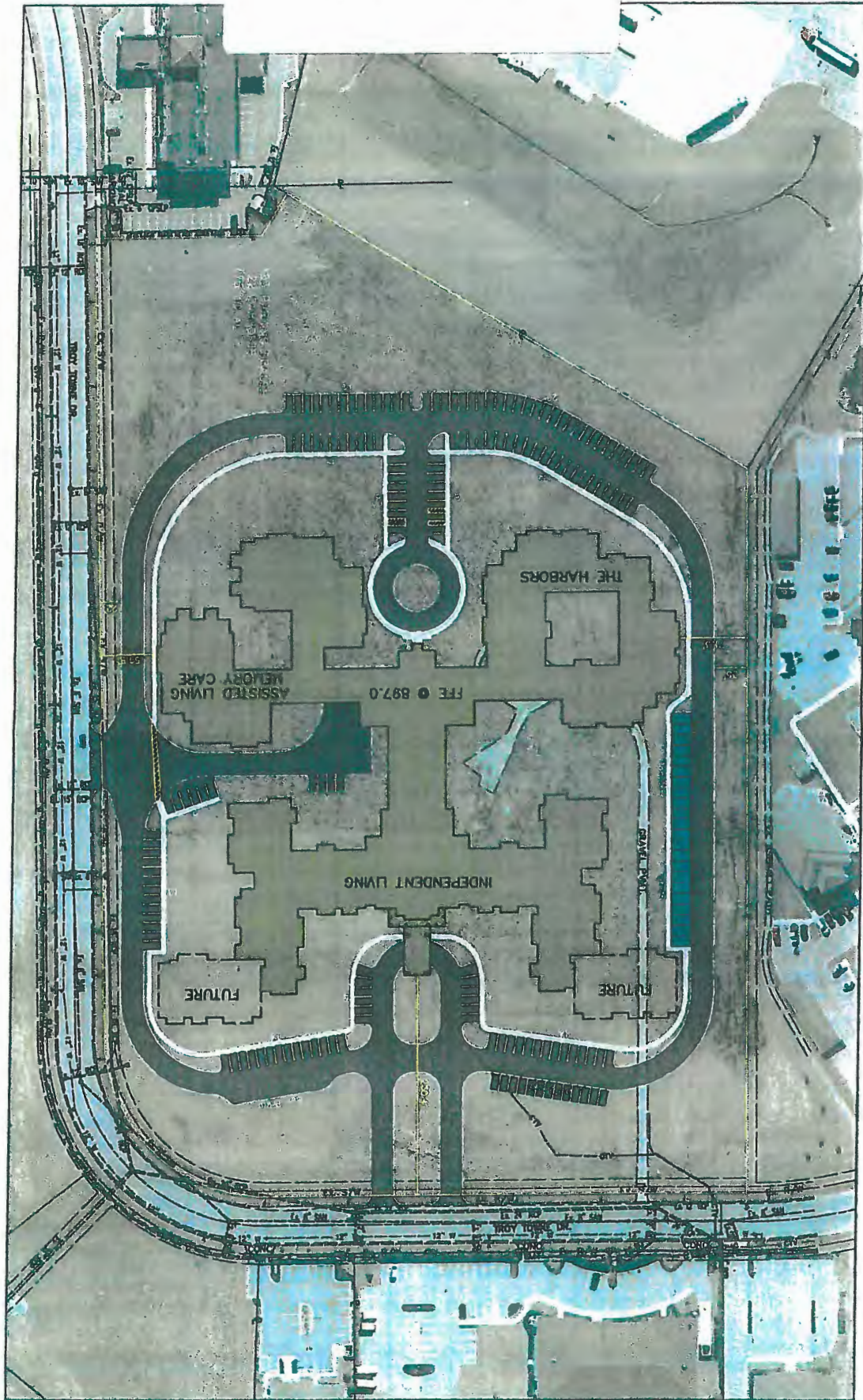
IL ENTRY - BRICK OPTION



IL ENTRY - STONE OPTION REVISED



# EXHIBIT "C"



SCALE IN FEET  
0 25 50 100

## SENIOR LIVING FACILITY CITY OF TROY, MIAMI COUNTY, OHIO EXHIBIT "D"

440 E. HENDERSON ROAD  
SPRING, OHIO 43083  
(614) 497-5200  
www.choiceoneengineering.com  
263 W. LOWLAND AVENUE  
LOVELAND, OHIO 45140  
(513) 266-8944

**CHOICE ONE**  
ENGINEERING

REVISIONS:  
DATE: 01-18-2015  
DRAWN BY: SJB  
CHECKED BY: JSP  
PROJECT NO.: MATH01418  
SHEET NUMBER: 1 of 1

# EXHIBIT "D"

## AMENDED AND RESTATED DECLARATION OF COVENANTS AND RESTRICTIONS

This instrument is executed this 7<sup>th</sup> day of April, 2004 by Harson Investments, Ltd., an Ohio Limited Partnership, (the "Developer").

**WHEREAS**, Developer, pursuant to its power to amend provided in Article IV of the Declaration of Covenants and Restrictions dated June 6, 2003 and filed for record June 12, 2003 at Volume 0738, Page 459 of the Records of the Recorder of Miami County, Ohio (the "Declaration") amended that Declaration of Covenants and Restrictions by the Amendment to Declaration of Covenants and Restrictions dated September 16, 2003 filed at Volume 0742, Page 914 of the Records of the Recorder of Miami County, Ohio (the "Amendment"); and

**WHEREAS**, Developer now wishes to both extend the operation of the Declaration and the Amendment by including additional real estate and amending certain provisions in respect to the additional real estate to be included; and

**WHEREAS**, Developer wishes to restate the prior Declaration and Amendment in this document to provide clarity and avoid confusion;

**NOW, THEREFORE**, Developer, for valuable consideration, hereby declares that the following provisions, covenants and restrictions shall bind and run with the land subject hereto in perpetuity.

### I. SUBJECT REAL ESTATE

The real estate which is the subject of the Declaration and Amendment is described as follows:

Situate in the City of Troy, County of Miami and State of Ohio and being Lots Numbered 9430, 9431, 9432, 9493 and 9494 of the consecutive numbers of lots of said City (the "original lots").

The real estate which is to be now included is described as follows:

See Exhibit "A"  
(the "highway lots")  
and  
See Exhibit "B"  
(the "interior lots").

### II. DEFINITIONS

As used herein, the following terms shall be defined as follows:

MIAMI COUNTY RECORDER  
JOHN W. O'BRIEN  
0397696  
PRESENTED FOR RECORD  
MIAMI COUNTY, TROY, OHIO  
04/09/2004 11:10:55AM  
REFERENCES  
RECORDING FEE 136.00  
PAGES: 15

*Michael R. Rye*

VOL 0748 PAGE 45

(a) "Developer" - shall mean Harson Investments, Ltd., its respective successors and assigns or any party or entity to whom or which Harson Investments, Ltd. expressly transfers its rights as Developer under this Declaration upon the condition that such party or entity expressly assumes and agrees to perform the duties of Developer in which case Harson Investments, Ltd. will be relieved of all responsibility therefore;

(b) "Developer Tract" - shall mean any lot, tract, parcel, real property, or portion of the same, which is owned by Developer and subject to these restrictions;

(c) "User" - shall mean the person or entity, other than Developer, taking fee simple title to any lot, tract, parcel or real property, or any portion hereof, which is subject to these restrictions, or any person or entity holding any other legal, equitable or other interest in the same, which shall include, but not be limited to any owner, buyer, landlord, lessor, tenant, lessee, sub-tenant or sub-lessee, or occupant, and their respective successors and assigns, but shall exclude any party holding such an interest merely as security for the performance of an obligation;

(d) "User Tract" - shall mean any lot, tract, parcel, real property, or portion of the same, whether in the original lots, the highway lots or the interior lots described above, which is subject to a fee interest, or equitable interest of a User and subject to these restrictions;

(e) "Building" - shall mean any building, out building, garage, or any other structure located in, on, or about the real property subject to these restrictions, built for the enclosure and/or storage of any person, animal, chattel, equipment, inventory, or other movable property of any kind, and which is permanently affixed to the ground;

(f) "Common Area Easements" - shall mean the signage/landscape easements retained by Developer on lots 9430, 9431 and 9432 (City of Troy, Ohio) at the intersection of Towne Park Drive and Experiment Farm Road and the signage/landscape easements to be created by Developer at the point where Towne Park Drive will intersect the south line of Lot 7996 as that lot is now constituted.

(g) "Hazardous Substance" - shall mean:

(1) all materials and substances defined as "hazardous substances", "hazardous materials", "toxic substances", "hazardous waste", "toxic chemicals", "solid waste", "infectious waste", or similar terms, as defined in: (i) the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. '9601 et seq.), as



amended by Superfund Amendments and Reauthorization Act of 1986 (Pub. L. 99-499, 100 Stat. 1613), (ii) the Resource Conservation and Recovery Act of 1976 (42 U.S.C. '6901 *et seq.*), (iii) the Hazardous Materials Transportation Act, 49 U.S.C. '1801 *et seq.*, (iv) Section 311 of the Clean Water Act, 33 U.S.C. '1251 *et seq.* (33 U.S.C. '1321) or listed pursuant to Section 307 of the Clean Water Act (33 U.S.C. '1317), or (v) Sections 3734.01 and Section 3751.01 of the Ohio Revised Code, as any of the same may be amended or supplemented from time to time.

(2) All materials and substances listed in the United States Department of Transportation Table (49 CFR 172.101) or by the Environmental Protection Agency as hazardous substances, as the same may be amended or supplemented from time to time;

(3) Any material or substance that is petroleum or a petroleum derivative, asbestos, polychlorinated biphenyl, a flammable explosive, or a radioactive materials; and

(4) Such other substances, materials and wastes that are or become regulated as hazardous or toxic under applicable local, state or Federal law.

(h) "Environmental Laws" - shall mean any federal, state or local law, regulation, administrative ruling, order, ordinance, and the like, pertaining to the protection of the environment or the regulation, handling or disposal of Hazardous Substances whether now in effect (such as, but not limited to, those referred to in the preceding definition for "Hazardous Substances") or which becomes effective in the future.

### III. COVENANTS

The following constitute the protective covenants and restrictions for the subject property:

1. Users must supply the Developer with construction and landscape plans prior to any construction or planting and obtain Developer's written approval thereof which approval shall not be unreasonably withheld. Approval will be deemed given if Developer fails to respond within thirty (30) days of receipt of such plans. User shall also provide Developer with a copy of "as built" documents for the completed construction. Any future alterations shall be submitted for approval to Developer in the same manner. No construction, installation, planting or future alteration shall occur without full compliance with this provision.

2. No fence or other barriers shall obstruct pedestrian or vehicular traffic over any easement access area or roadway adjacent to any Developer or User Tract.
3. Should the local governmental authority create a lighting district, the User shall be a participant and comply with all regulations and requirements provided therefore.
4. Users shall be responsible for the construction and installation of and the cost and expense of sidewalks on or adjacent to its User Tract. If a User Tract is located on a corner, User must extend the sidewalk along both abutting streets.
5. User Tracts must include at least five (5) parking spaces per 1000 square feet of Building area (all buildings) constructed on the User Tract.
6. If a drive up window unit is constructed on a User Tract, it must provide for stacking of not less than five (5) automobiles.
7. The Developer and each User must maintain their respective common areas and parking areas.
8. No signage or decals on windows in any buildings on User Tracts are permitted other than temporary signage approved in writing by the Developer.
9. All User Tracts must be maintained in a safe and sanitary condition in accordance with all good business practice for a first class development and in compliance with all applicable governmental regulations, ordinances and laws. This shall include, without limitation: the maintenance of a pest free environment utilizing such extermination services necessary to insure it remains pest free; daily removal of any refuse from any part of the User Tract except trash or refuse containers which shall be properly maintained and used in a manner that prevents refuse materials from escaping onto the User Tract or adjacent Tracts or areas; the painting and staining of all exterior surfaces of Buildings as necessary to eliminate a faded, chipped or peeling appearance; maintenance of all trees and shrubbery so it appears trimmed and healthy and free of worn areas or dead and decaying vegetation; and, in general, free of any other unsightly or offensive appearance that would detract from a first a first class development.
10. No use shall be permitted on a User Tract which is inconsistent with the operation of a first-class mixed use project. Without limiting the generality of the foregoing, the following uses shall not be permitted on the original lots or the highway lots without the Developer's express written consent:
  - (i) Any use which emits an obnoxious odor, noise, or sound which can be heard or smelled outside of any Building. Notwithstanding the foregoing, this restriction is not meant to apply to normal cooking smells emanating from a restaurant.



(ii) Any operation primarily used as a storage warehouse operation and any assembling, manufacturing, distilling, refining, smelting, agricultural, or mining operation;

(iii) Any "second-hand" store (excluding a bona fide antique store) or "surplus" store;

(iv) Any mobile home park, trailer court, labor camp, junkyard, or stockyard (except that this provision shall not prohibit the temporary use of construction trailers during periods of construction, reconstruction, or maintenance);

(v) Any dumping, disposing, incineration, or reduction of garbage (exclusive of garbage compactors located near the rear of any Building);

(vi) Any fire sale, bankruptcy sale (unless pursuant to a court order) or auction house operation;

(vii) Any central laundry, dry cleaning plant, or laundromat; provided, however, this prohibition shall not be applicable to nominal supportive facilities for on-site service oriented to pickup and delivery by the ultimate consumer as the same may be found in retail shopping districts in the metropolitan area where the Purchaser Tract Center is located;

(viii) Any automobile, truck, trailer or recreational vehicles sales, leasing, display or body shop repair operation;

(ix) Any bowling lane or skating rink;

(x) Any movie theater or live performance theater;

(xi) Any residential use, including but not limited to: single family dwellings, townhouses, condominiums, other multi-family units and other forms of living quarters, including sleeping apartments;

(xii) Any veterinary hospital or animal raising facilities (except that this prohibition shall not prohibit pet shops);

(xiii) Any mortuary, funeral home or cemetery;

(xiv) Any establishment selling or exhibiting pornographic materials or drug-related paraphernalia;

(xv) Any bar, tavern, Restaurant or other establishment whose reasonably projected annual gross revenues from the sale of alcoholic beverages

for on-premises consumption exceeds twenty-five percent (25%) of the gross revenues of such business. It is the intention of the Developer that the 25% cap on gross revenues from the sale of alcoholic beverages for on premises consumption as contained in this Declaration is meant to mirror the same cap contained in Ohio Revised Code Section 4303.18-1 (I) Permit D-5(i). The Code Section requires that beer and liquor sales do not exceed 25% of gross revenues to obtain and then retain qualification to keep a D-5 (i) liquor license. In the event that the Ohio Revised Code is amended or revised to allow for a higher portion of gross revenues from alcoholic beverage sales for a D-5(i) liquor license, the limitation of this Article III, item 10, subsection (xv) shall be automatically increased to such higher rate allowed by the amended or revised statute.

(xvi) Any health spa, fitness center or workout facility;

(xvii) Any flea market, amusement or video arcade, pool or billiard hall, car wash, or dance hall;

(xviii) Any training or educational facility, including but not limited to: beauty schools, barber colleges, reading rooms, places of instruction or other operations catering primarily to students or trainees rather than to customers; provided however, this prohibition shall not be applicable to on-site employee training by an Occupant incidental to the conduct of its business or educational facility approved by Developer;

(xix) Any gambling facility or operation, including but not limited to: off-track or sports betting parlor; table games such as black-jack or poker; slot machines, video poker/black-jack/keno machines or similar devices; or bingo hall. Notwithstanding the foregoing, this prohibition shall not apply to governmental sponsored gambling activities, or charitable gambling activities, so long as such governmental and/or charitable activities are incidental to the business operation being conducted by the Occupant;

(xx) Storage of recreational vehicles, boats, campers, trailers and other vehicles on a permanent basis, on any portion of the property is prohibited. Work related vehicles may be permitted upon the express written consent of Developer. Permanent is defined as exceeding twenty-four (24) hours;

(xxi) All roof equipment and vents shall not be visible from the front elevation of any Building or from any side fronting a primary road; and

(xxii) No fencing is allowed without written approval of the owner of the Developer Tract other than opaque fencing to screen trash storage.

In addition to the foregoing, the following uses shall not be permitted at any time on the highway lots:

(xxiii) Any operation whether or not it sells beer, wine or alcohol that advertises itself as a "gentlemen's club", as an X rated facility, that caters to the prurient interests of its patrons, that has male or female dancers that accept money or other gratuities for their dancing or any other activity, that includes male or female employees that perform lewd, lascivious, licentious or promiscuous acts for value, that provides any sort of entertainment that has men or women performing in various states of undress including but not limited to "g-strings" or "g-strings and "pasties" or "topless" or "topless-bottomless" shall be prohibited.

In respect to the interior lots, only the covenants referred to in this Provision as sub-provisions xiii, xiv, xviii, xix and xxiii shall be applicable unless either part of the land making up the interior lots is further subdivided. For purposes of this provision, the parts making up the interior lots are that part taken from lot 7996 (lot 12 on the Preliminary Plan for Troy Towne Park) and that part taken from lot 6047 (lot 13 on the Preliminary Plan for Troy Towne Park). If either is further subdivided, all of the covenants above, (i) through xxiii, inclusive, shall apply to the subdivided lots.

11. User shall comply with all applicable Environmental Laws. No User shall use, permit the use of, manufacture, treat, store, or dispose of Hazardous Substance on, about, under or in its Tract, or any portion of the surrounding real property subject to these restrictions, except in the ordinary course of its usual business operations conducted thereon, and any such use shall at all times be in compliance with all Environmental Laws. Each User agrees to defend, protect, indemnify and hold harmless each other User and the Developer, as applicable, from and against all claims or demands, including any action or proceeding brought thereon, and all costs, losses, expenses and liabilities of any kind relating thereto, including but not limited to costs of investigation, remedial response, and reasonable attorneys' fees and costs of suit arising out of or resulting from any Hazardous Substance used or permitted to be used by such party whether or not in the ordinary course of business.
12. No merchandise, equipment or services, including but not limited to vending machines, promotional devises and similar items, shall be displayed, offered for sale or lease, or stored on a User Tract or within any building. Notwithstanding the foregoing, nothing herein is intended to exclude the sale of merchandise which is incidental to the primary use on the Property (such as promotional shirts, hats, clothing, toy vehicles, gift certificates, etc.) in connection with the operation a restaurant.
13. The seasonal display and sale of bedding plants on the sidewalk in front of any Building or within other Common Areas is prohibited without Developer's prior written authorization and shall then be subject to City of Troy ordinances.

14. User shall cause its employees, or the employees of any occupants of its Tract to park their vehicles only on its Tract and in designated parking areas for employee parking.
15. Any signage located on any User Tract, whether for identification purposes or otherwise, shall be subject to and consistent with all applicable governmental laws, ordinances, rules and regulations. No identification sign attached to the exterior of a building on a User Tract shall be:
  - (i) placed on canopy roofs extending above the building roof, placed on penthouse walls, or placed so as to project above the parapet, canopy, or top of the wall upon which it is mounted;
  - (ii) placed at any angle to the Building; provided, however, the foregoing shall not apply to any sign located under a sidewalk canopy if such sign is at least eight (8) feet above the sidewalk;
  - (iii) painted on the surface of any Building;
  - (iv) flashing, moving or audible;
  - (v) employ exposed raceways, exposed neon tubes, exposed ballast boxes, or exposed transformers; or
  - (vi) paper or cardboard signs, temporary signs (exclusive of contractor signs), stickers or decals; provided, however, the foregoing shall not prohibit the placement at the entrance of each Occupant's main building a small sticker or decal, indicating hours of business, emergency telephone numbers, acceptance of credit cards, Security Protection Services and other similar information.
16. Each User (as to its tract) shall maintain or cause to be maintained in full force and effect Commercial General Liability Insurance with a combined single limit of liability of One Million (\$1,000,000.00) Dollars for bodily injury, personal injury and property damage, arising out of any one occurrence. The limits hereby required shall be adjusted every five (5) years to reflect inflation as measured by the Consumer Price Index.

Users and Developer shall defend, protect, indemnify and hold harmless each other from and against all claims or demands including any action or proceeding brought thereon, and all costs, losses, expenses and liability of any kind relating thereto, including, but not limited to, reasonable attorney's fees and costs of suit, arising out of or resulting from the injury to or death of any person, or damage to the property of any person located on the respective tract owned by each indemnifying party; provided, however, the foregoing obligation shall not apply to

claims caused by the gross negligence or willful act or omission of such other party, its licensees, concessionaires, agents, servants, or employees, or the agents, servants, or employees of any licensee or concessionaire thereof.

Effective upon the commencement of construction of any building on its Tract and so long as such building exists, User shall carry, or cause to be carried, property insurance with "all-risk" coverage, in the amount of 100% of full replacement cost thereof (excluding footings, foundations or excavations). Upon request by Developer, proof of the existence of such insurance shall be provided to Developer.

17. User shall keep its Tract free and clear of all construction debris on a regular basis, shall not encroach on any surrounding Lots and shall hold Developer harmless from any claims arising from construction activities on User's Tract. User is responsible for all the clean up and removal of all mud and debris left on each Tract or tracked onto the streets or any damage to Developer improvements by its employees, agents, invitees, contractors and subcontractors.
18. User shall leave all sanitary sewer manholes, storm sewer manholes, main water line boxes and water tap box as uncovered and exposed to the finish grade after sodding and seeding or installation of driveways.
19. User is responsible for securing and paying for all individual zoning permits, sewer and water tap-in fees, building permits and other associated fees.
20. All above ground equipment including, HVAC units, storage boxes, electric transformers, gas meters shall be screened by landscaping shrubs and plants at least 3' in height at time of planting. Shrubs and other plants shall be maintained and replaced as needed with similarly specified plants.
21. User shall be part of any lighting district created by the City of Troy. Each User shall be responsible for any and all assessments related to the User Tract assessed by the lighting district whether incurred prior to or after ownership.
22. User (including Developer) shall pay to the Developer a share for operations, maintenance, repairs and replacement of the common area easements retained by Developer, including, without limitation, entrance landscape and watering costs, signage and lighting costs and costs associated with the operation, maintenance, repair and replacement of the drainage system including, without limitation, piping and detention ponds. User shall pay the annual sum equal to \$750.00 times each acre and/or fraction of an acre in the User Tract beginning on the \_\_\_\_ day of \_\_\_\_\_, 200\_\_. All such funds shall be maintained in a separate account by Developer as Trustee for all Tract owners. The Developer shall pay from such account the expenses or costs of such operations, maintenance, repairs and replacement as the Developer, in its



reasonable judgment shall deem necessary. The Developer shall be entitled to retain from the funds collected a sum equal to the greater of five (5%) percent of the actual annual cost of operation, maintenance, repair or replacement or One Thousand Five Hundred and 00/100 (\$1,500.00) Dollars as an administrative fee for the performance of its duties. Any party obligated by this Declaration or any lease or other agreement to pay any sum due under this provision shall have the right to inspect the records of the Developer, upon reasonable notice, in respect to payments made from these funds.

If, at the time a payment is due and current costs and expenses are paid, the balance of the account is \$30,000.00 or more, no further payments shall be required until the balance is less than \$30,000.00 at which time the payments (in full and not prorated to provide an even balance of \$30,000.00) shall resume beginning with the next annual payment. The Developer shall have the right to increase or decrease the annual payment to reflect actual costs provided the change occurs on a per acre basis. In addition, the Developer shall have the right, upon approved of majority of the owners of Tracts to levy a special assessment to meet emergency costs or expenses.

23. User (including Developer) shall employ a standard mail delivery box at the street as long as there is rural mail delivery within the real estate subject to this Declaration of Covenants and Restrictions. If the mailbox is a single unit, it shall be Imperial Mailbox Systems Model 820K-6. If the mailbox is a twin unit, it shall be Imperial Mailbox Systems Model T820K-6. All mailboxes shall be black in color. If this manufacturer ceases business or the manufacturer of the above models, a substantially similar model in black shall be used.
24. Developer and any User shall have the right to enforce these covenants and restrictions. In the event any party defaults in its obligations, promises and duties as contained herein, or breaches any of the terms and conditions as contained herein, the non defaulting/non-breaching party shall have the right to enforce said covenants and restrictions by prosecuting any proceeding against the party or parties violating or attempting to violate any one or more of the covenants and restrictions. The parties expressly state that the non-defaulting party shall have any remedy in either law or equity available to it, including the right to recover damages and/or seek injunctive relief to enforce the provisions hereof.

Developer shall have the right, in addition to the remedies described above, to enter upon any part of the User's Tract, at any reasonable time, upon not less than 48 hours notice, to inspect the same for a possible violation or breach of these covenants and restrictions. Where an inspection shows that a violation or breach of these covenants and restrictions exists, Developer, or its authorized agents, representatives and employees, shall have the right to abate and remove any structure, thing or condition causing such violation, at the cost and expense of the owner of the User Tract where the violation exists without any liability to such User for trespass or any other claim resulting from such entry.

The remedies specified in this paragraph are cumulative and do not preclude any other remedy in law or in equity by any party adversely affected by any violation or breach of these covenants and restrictions.

In any proceeding for the enforcement of any of the provisions of these covenants and restrictions, or for the restraint of a violation of any such provision, the losing party shall pay the reasonable attorney's fees and court costs of the prevailing party in such amount as may be fixed by the Court in that proceeding. Notwithstanding anything to the contrary contained herein, or any other indemnity provision contained herein, each party agrees to defend, protect, indemnify and hold harmless each other from and against all claims or demands including any action or proceeding brought thereon, and all costs, losses, expenses and liability of any kind relating thereto, reasonable attorney's fees, professional fees and court costs, arising out of or resulting from the respective parties violation of the terms and conditions hereof.

No delay or failure on the part of any aggrieved party to pursue any available remedy with respect to a violation of any provisions hereof, shall be deemed to be a waiver by such party of, or the estoppel of that party to assert, any right available to such party upon the recurrence or continuation of such violation or the occurrence of any different violation. No provision hereof shall be construed as to place upon the Developer or any other aggrieved party any duty to take any action to enforce the terms and conditions contained herein.

25. The terms and conditions contained herein are to be deemed restrictions and covenants that run with the land and are to be deemed perpetually in full force and effect. Unless otherwise stated herein, such Covenants and Restrictions shall be binding upon the Developer, its successors and assigns and any User now or hereafter having an interest in any part of the subject real property. In the event that this provision of this Declaration shall violate the Rule Against Perpetuities as it may exist in the State of Ohio, any interest which this Declaration may create must vest within twenty-one years after the death of the last child living at the death of Shayna Kolodesh.

26. If any provision hereof is held to be invalid by any court of competent jurisdiction, the invalidity of such provisions shall not affect the validity of any other provision contained herein. All such other provisions shall continue in full force and effect.

#### IV. AMENDMENT AND EXTENSION

Developer expressly reserves the right to amend the provisions of this Declaration in order to promote the development of the real estate subject to this Declaration as well as other real estate currently owned by Developer which may be adjacent to or within the vicinity of the subject real estate. This shall include, without limitation, the use to which a User Tract may be put. This right of amendment, however, shall be subject to the following limitations:

1. It may not impose against any User Tract not owned by Developer at the time a more restrictive provision than herein contained without the consent of the owner of that User Tract;
2. It may not subject any User Tract to a greater proportion of a payment obligation than originally provided without the consent of the owner of the User Tract; and
3. **It may not impose a requirement on, eliminate a restriction contained herein, or provide any benefit for less than all Developers and User Tracts without the consent of the owners of all User Tracts.**

#### V. DEVELOPER TRANSFER

The Developer may transfer all of its rights and duties under this Declaration of Comments and Restrictions to a successor and such successor shall have all the rights and powers herein provided for the Developer but shall be subject to the same duties and responsibilities as Developer. This transfer shall be subject to the following conditions:

- 1) The transfer shall be made by a written document executed by Developer and its successor which expressly accepts all duties and responsibilities of Developer;
- 2) The successor shall own at least one User Tract which is subject to this Declaration of Covenants and Restrictions;
- 3) The Developer must have no further ownership of any User Tract;
- 4) All funds collected from payments on all User Tracts not then expended shall be paid to the successor; and

5) All records of expenses and work performed fulfilling its duties and responsibilities as Developer shall be transferred to the successor.

Upon appointment of a successor by Developer, the subsequent owners of the lot owned by the appointed successor shall acquire the same rights subject to the conditions above stated. If a subsequent owner is not willing to accept the responsibility of the successor, one shall be selected by a majority vote of all of the owners of lots then subject to this Declaration with each lot having one vote for this purpose. A meeting may be called by any three (3) owners for purposes of a vote upon not less than thirty (30) days written notice to all other owners.

Upon transfer as set forth above, Developer shall have no further responsibility to any owner or User of a Tract except in the event of fraud or illegal dealing.

IN WITNESS WHEREOF, Harson Investments, Ltd. has affixed its signature by its duly authorized general partner this 7<sup>th</sup> day of April, 2004.

HARSON INVESTMENTS, LTD.  
An Ohio Limited Partnership  
By Dayton Co., General Partner

By Shayna S. Kolodesh  
Shayna S. Kolodesh, President

STATE OF OHIO )  
COUNTY OF MONTGOMERY ) SS:

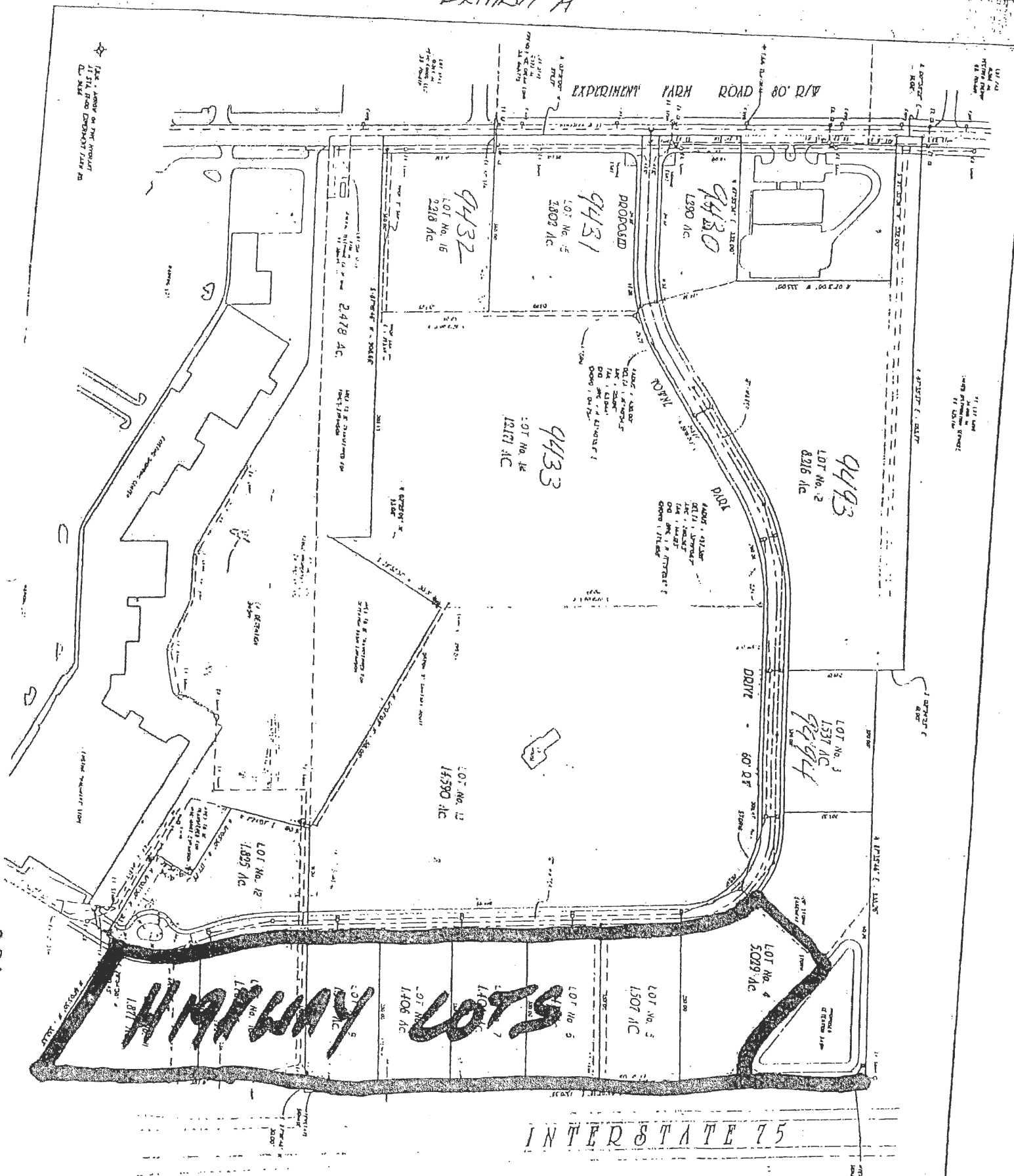
The foregoing instrument was acknowledged by HARSON INVESTMENTS, LTD., an Ohio Limited Partnership, by Dayton Co., Its General Partner, By Shayna S. Kolodesh, its President.

[Signature]  
Notary Public  
Notary Public, State of Ohio  
My Commission has no expiration date.  
Section 147.03 O. R. C.

THIS INSTRUMENT PREPARED BY: ALAN A. BIEGEL, ATTORNEY AT LAW  
Singer/Amended Declaration-Troy - LasV 02/17/04 -1  
PSE 237407

1047284 811 / 0704

EXHIBIT A

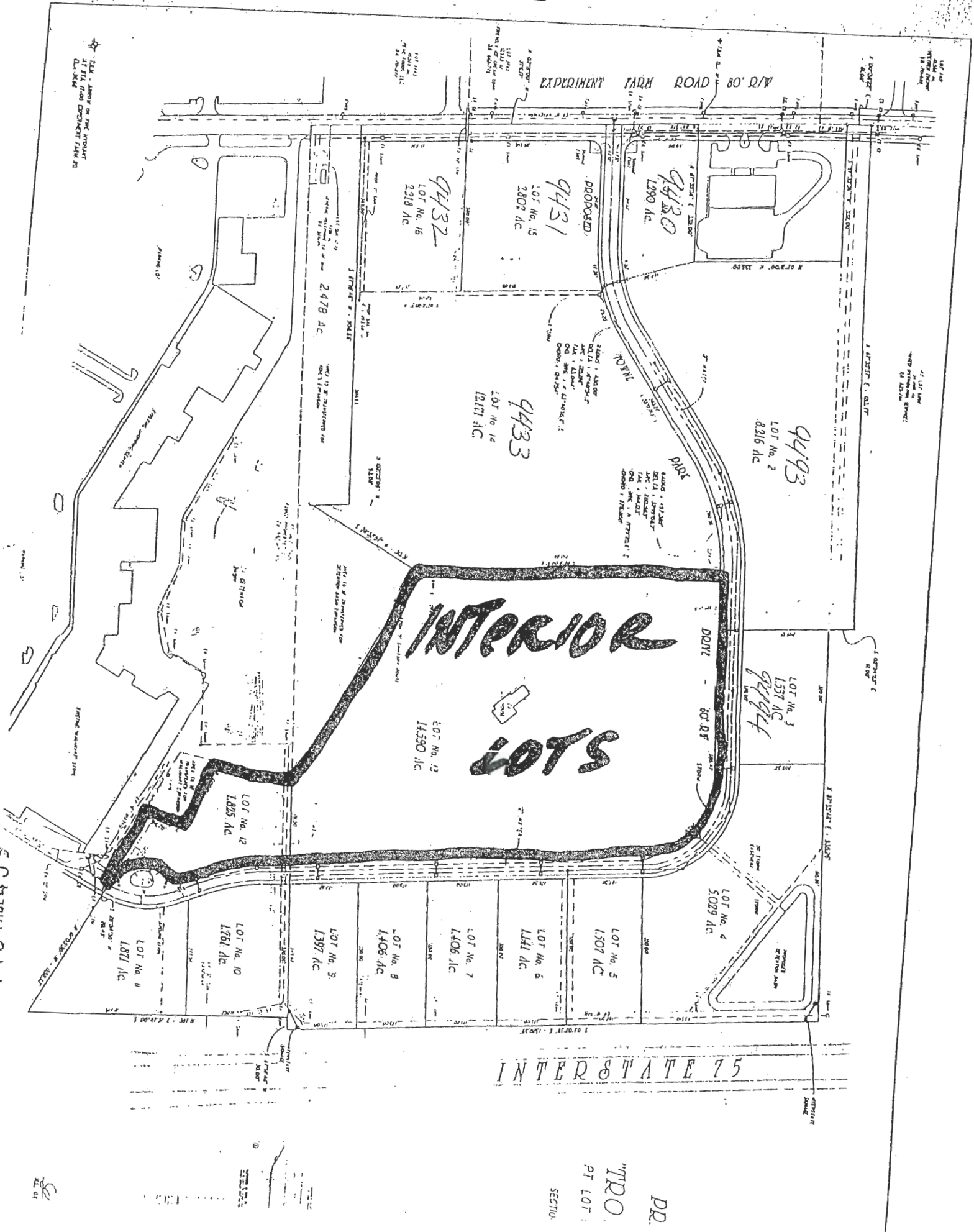


PR  
"TRD  
PT LOT  
SECTION

RS 57A-44 Q 11 / 0781

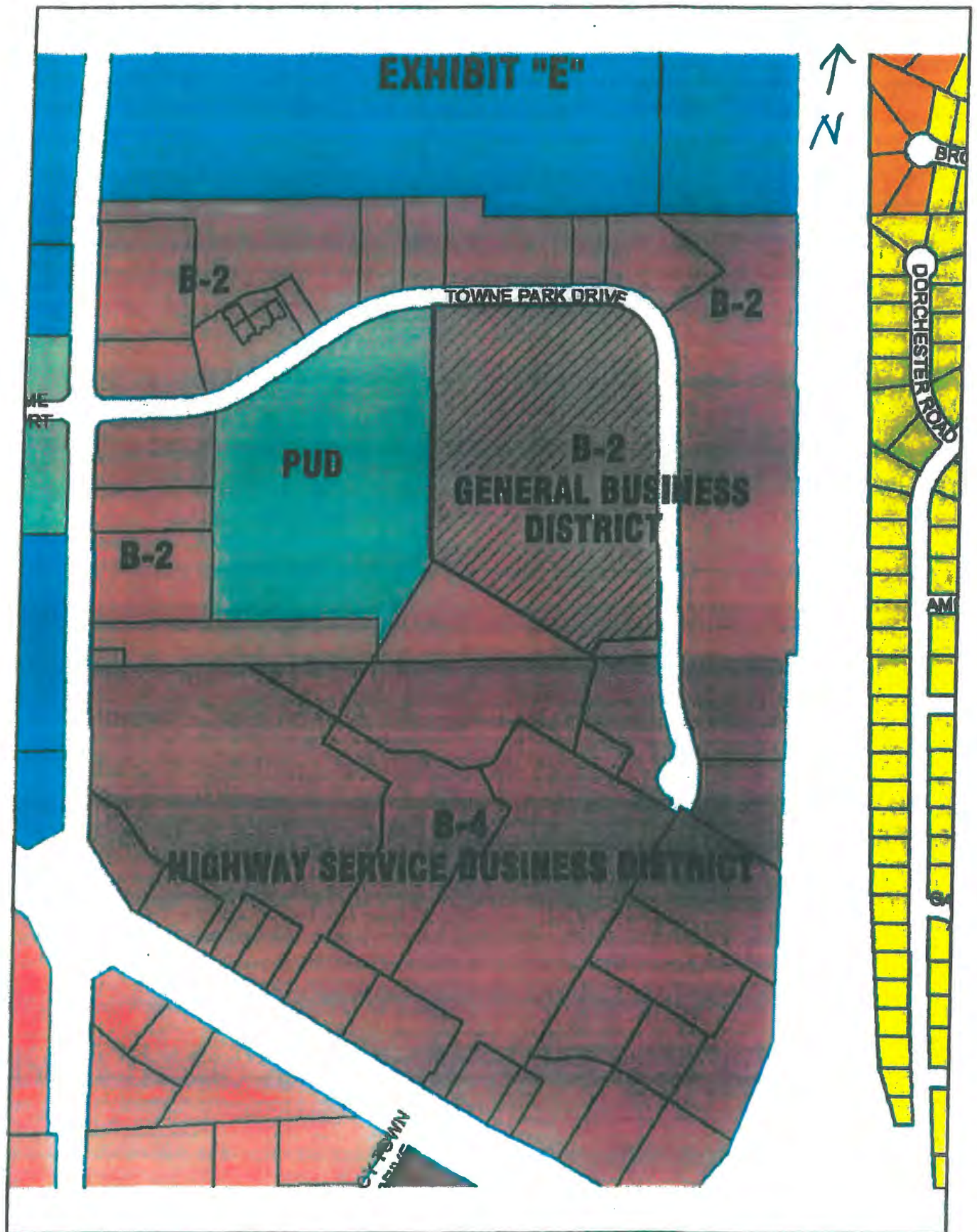


EXHIBIT B



657384 84707A

PR.  
"TRO,  
PT LOT;  
SECTIO.



**ORDINANCE No.** 0-12-2015

Dayton Legal Blank, Inc.

**ORDINANCE CHANGING THE ZONING FOR A PART OF  
INLOT 9891 IN THE CITY OF TROY, OHIO FROM A-R,  
AGRICULTURAL-RESIDENTIAL DISTRICT TO R-3-B,  
SINGLE FAMILY RESIDENTIAL DISTRICT**

**WHEREAS**, a request for zoning change was presented to the Planning Commission of the City of Troy, Ohio, to rezone a 25.422 acre portion of Inlot 9891 (Parcel No. D45-002548) in the City of Troy, as shown on the attached Exhibit "A" , and more particularly described in the attached Exhibit "B", and

**WHEREAS**, the Planning Commission of the City of Troy, Ohio, has reviewed the plan and recommended approval, and

**WHEREAS**, at least thirty days notice of the public hearing of said change has been provided in a newspaper of general circulation,

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Troy, Ohio as follows:

**SECTION I:** That the zoning of a 25.422 acre portion of Inlot 9891 (Parcel No. D45-002548), as shown on the attached Exhibit "A" and described in the attached Exhibit "B", be changed from A-R, Agricultural-Residential District, to R-3-B, Single-Family Residential District.

**SECTION II:** That this Ordinance shall be effective at the earliest date allowed by law.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_

Clerk of Council

\_\_\_\_\_  
Mayor



EXHIBIT "A"  
25.422 acres, part of IL 9891, part of Parcel D45-002548

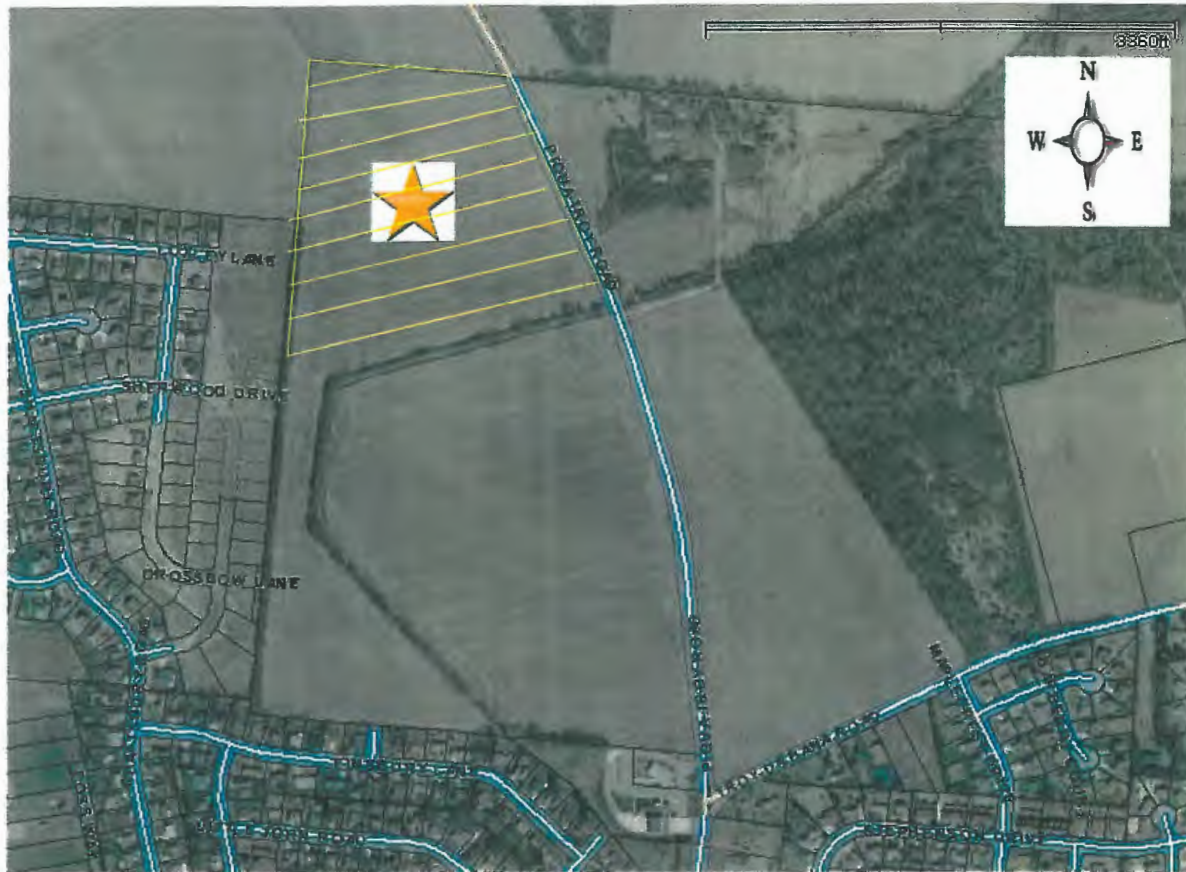


EXHIBIT 'B'  
LEGAL DESCRIPTION  
FOR ZONING CHANGE  
FROM AGRICULTURE-RESIDENTIAL TO R-3B

BEING A PART OF INLOT NUMBER 9891 IN THE CITY OF TROY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Beginning at the intersection of the north line of Inlot 9891 and the centerline of Troy-Piqua Road (North Market Street);

thence, South 24°-43'-39" East, 893.73 feet, along the centerline of Troy-Piqua Road, to a point;

thence, South 65°-04'-30" West, 216.41 feet, to a point;

thence, South 70°-52'-08" West, 649.51 feet, to a point;

thence, North 52°-12'-08" West, 147.69 feet, to a point;

thence, South 76°-05'-13" West, 160.36 feet, to a point;

thence, South 37°-53'-38" West, 139.71 feet, to a point;

thence, North 85°-55'-30" West, 96.20 feet, to a point in the east line of Nottingham Subdivision, Section 8A and the west line of Inlot 9891;

thence, North 04°-04'-30" East, 565.20 feet, along the east line of Nottingham Subdivision, Section 8A and the west line of Inlot 9891, to a point;

thence, North 04°-10'-00" East, 665.80 feet, along the west line of Inlot 9891, to the northwest corner of same;

thence, South 85°-41'-00" East, 803.90 feet, along the north line of Inlot 9891, to the principal place of beginning.

Containing 25.422 acres more or less being rezoned to R-3B.



City of Troy

TO: Mrs. Baker, President, Troy City Council

FROM: Sue Knight, for the Troy Planning Commission

DATE: April 15, 2015

**SUBJECT: REPORT OF THE PLANNING COMMISSION ON A REZONING APPLICATION FROM A-R, AGRICULTURAL-RESIDENTIAL DISTRICT, TO R-3-B, SINGLE-FAMILY RESIDENTIAL DISTRICT FOR PART OF INLOT 9891**

On April 8, 2015, the Troy Planning Commission considered the rezoning of part of Inlot 9891 (part of parcel D45-002548) from A-R, Agricultural-Residential District, to R-3-B, Single-Family Residential District. This area proposed to be rezoned consists of 25.422 acres of undeveloped land, and is located west of Piqua-Troy Road and east of the Nottingham Subdivision. R-3-B zoning has a minimum lot size of 12,000 square feet. The land owner is TTF Brown, LLC. The applicant is Nottingham Development, LLC; Jessica Minesinger, President.

The Commission had received a report from City staff, which was reviewed as part of the meeting discussion. That report indicates that the intended use of the property is a residential development. A copy of the information provided to the Commission is attached.

The applicant commented that this would be the last area of the Nottingham Subdivision; the proposed zoning would result in approximately 50 total lots, developed in three sections, and an anticipated build out schedule of about 12 houses per year.

The Planning Commission determined not to hold a public hearing on this rezoning application.

By unanimous vote, the Troy Planning Commission recommends to Troy City Council that Council approve the rezoning of part of Inlot 9891 (part of Parcel D45-002548) on Piqua-Troy Road from Agricultural-Residential to R-3-B, Single-Family Residential District, as requested by the applicant and as recommended by City staff based on:

- The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
- The proposed rezoning is consistent with the surrounding zoning districts; and
- Proposed use is consistent with permitted uses in the R-3-B district; and
- The proposed rezoning is consistent with the City of Troy Comprehensive Plan;
- The development would provide a second point of ingress and egress for the residents of the existing Nottingham Subdivision by requiring access to Piqua-Troy Road, and allows the city to require the looping of utility lines in the area.

This request is forwarded herewith to Council for consideration.

The Public Hearing before Council has been set for the May 18 meeting of Council.

The following information will be attached as part of this report.

- Information provided by City staff, which included the report of staff and a listing of permitted uses for both zoning districts.
- Copy of the draft minutes of the April 8 meeting of the Planning Commission.

Encl.



TO:	Troy Planning Commission
FROM:	Planning Staff
DATE:	April 8, 2015
SUBJECT:	Rezoning: Pt of Inlot 9891 (25.422 acres)
OWNER:	TTF Brown LLC
APPLICANT: Nottingham Development, Inc. (Jessica Minesinger)	

## **BACKGROUND:**

Jessica Minesinger, President of Nottingham Development, Inc., has applied for Planning Commission to consider allowing the rezoning of part of Inlot 9891, parcel D45-002548 (25.422 ac.) located west of Piqua-Troy Road. Currently the property is zoned A-R Agricultural-Residential, and the applicant requests that the zoning of the parcel be rezoned to R-3-B Single-Family Residential.

The land is currently undeveloped and located west of Piqua-Troy Road and east of the Nottingham Subdivision. The surrounding zoning districts include County Zoning of A-2 General Agriculture to the north, City of Troy zoning of Agricultural-Residential to the east, Office-Commercial Zoning (OC-1) to the south, and R-4 Single-Family Residential to the west of the parcel. A map depicting the surrounding zoning districts has been attached to this report

## **DISCUSSION:**

The applicant has cited that the reasons for the proposed rezoning are to develop the property as an extension of the Nottingham subdivision.

The Zoning Code describes the current A-R zoning district as “designated to provide for both agricultural and residential activity on large tracts and open land with a minimum of five (5) acres or greater of lot per dwelling unity. This district is mapped in undeveloped areas along existing roadways where there is minimal water and sewer service.”

The Zoning Code describes the proposed R-3-B zoning district as “designed to accommodate single-family dwellings on lots with areas of at least twelve thousand (12,000) square feet per dwelling unit. This district will be mapped for selected areas which will develop in the future. The Comprehensive Plan describes the R-3-B District as medium density.”

Attached to this report is a list of all the A-R and R-3-B zoning districts uses. Also attached is a list that shows comparisons between permitted uses of each zoning district.

The Comprehensive Plan’s Future Land Use Map (Figure 14-2) displays this property as future residential use. Specifically, in Chapter 14, under the Northeast Sub-Area, the Comprehensive Plan states “The desired future residential development for this area is low-density residential, due to the both the characteristics of the land and the adjacent uses to the south. The existing road network cannot support unrestricted or increased

numbers of similar residential densities. With future improvements to the road network, however, higher densities could be accommodated.”

In accordance with the Thoroughfare Plan, the City is in the process of improving the road network in the area and is making a significant improvement to the intersection of Piqua-Troy Rd. & Troy-Urbana Road. With the improvements, any future residential development on this property can be handled by the current road network.

A copy of Figure 14-2 has been attached to this report.

**In reviewing a rezoning proposal, Section 1139.07 outlines the criteria on which to base decisions:**

*(A) Whether the change in classification would be consistent with the intent and purpose of this Zoning Code.*

The proposed rezoning is consistent with the Zoning Code. Section 1131.02(o) & (r) state the purposes of the Zoning Code are to preserve and enhance property value, and direct particular land uses to the parcel of land best suited for them. The proposed rezoning request achieves these purposes.

*(B) Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions.*

The proposed rezoning is not made necessary because of changing conditions in the affected area. The proposed use will not have any adverse effects in the area and is similar to the residential uses that currently exist to west

*(C) Whether the uses that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity.*

The proposed use is compatible and similar to the residential uses that currently exist to west and will provide a second point of ingress and egress to the residents of the Nottingham Subdivision.

*(D) Whether adequate utility, sewer, and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on a property if it were reclassified.*

All utilities can be provided.

*(E) The amount of vacant land that currently has the same zoning classification as is proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances, in any, that make a substantial part of such vacant land*

*unavailable for development.*

In the vicinity of the subject property, there is no available vacant land with the R-3-B zoning classification.

*(F) Whether the proposed amendment would correct an error in the application of this Zoning Code as applied to the subject property.*

Not applicable in this request.

#### **PUBLIC HEARING:**

Due to the straight forward nature of the rezoning request, the compliance with the City of Troy Comprehensive Plan, and the fact that City Council is required to hold a public hearing if the request proceeds on, staff does not feel that a public hearing before the Planning Commission is warranted.

#### **RECOMMENDATION:**

It is staff's opinion that the proposed rezoning will achieve the desired residential development as is discussed in the City of Troy's Comprehensive Plan. The intent of the R-3-B zoning district is to be mapped for selected areas which will develop in the future. The Comprehensive Plan shows this area to be development as residential.

The proposed residential use will provide an opportunity for the City to provide a second point of ingress and egress for the residents of the existing Nottingham Subdivision by requiring access to Piqua-Troy Road and allows the city to require the looping of utility lines in the area.

Concerns related to traffic in this area are currently being addressed by the realignment of the Piqua-Troy & Troy-Urbana Rd. intersection. The realignment of this intersection should be completed in the near future.

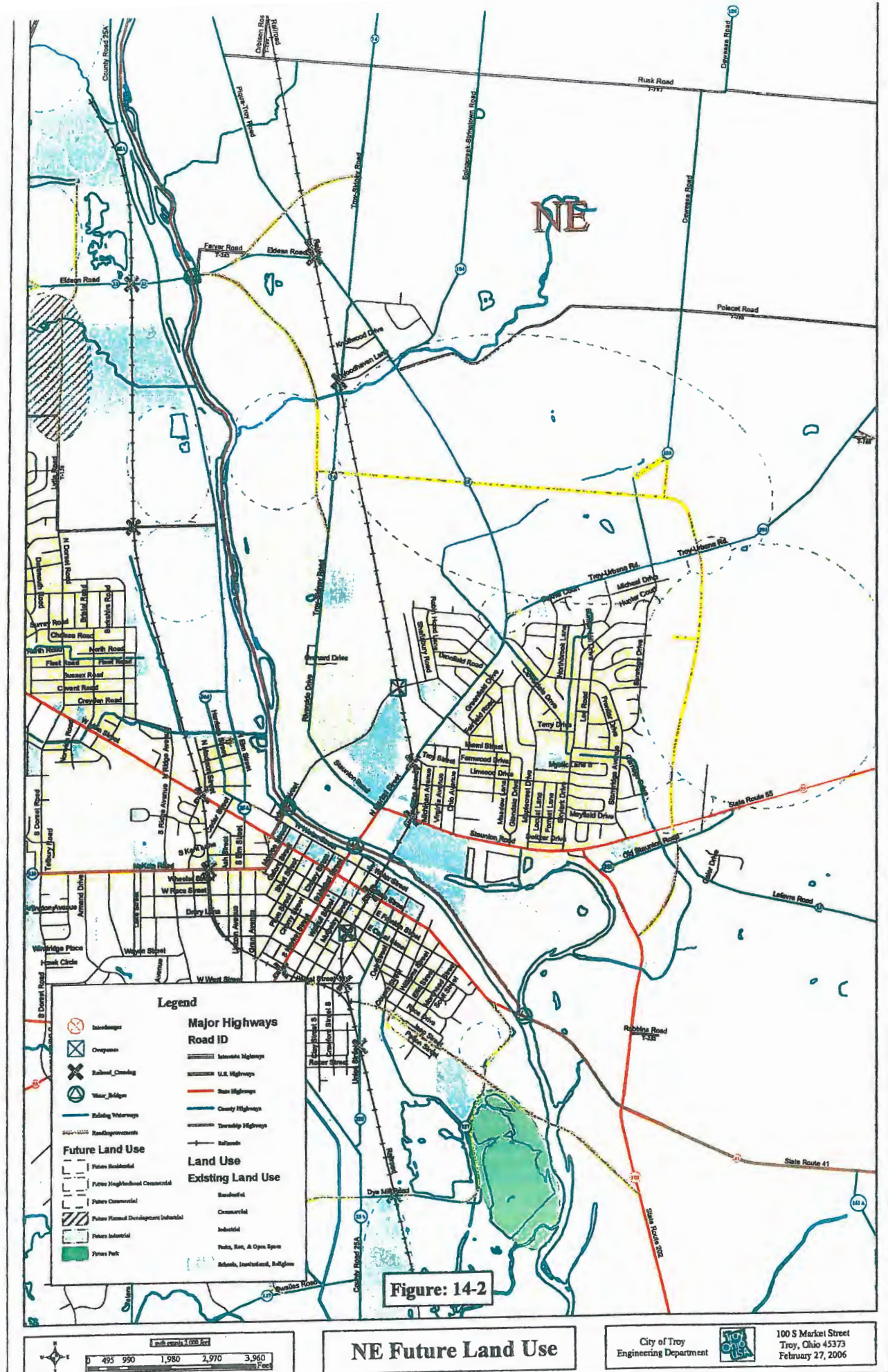
Staff is recommending that the Planning Commission recommend approval of the proposed rezoning from A-R Agricultural-Residential to R-3-B Single-Family Residential, based on the following:

- The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
- The proposed rezoning is consistent with the surrounding zoning districts; and
- Proposed use is consistent with permitted uses in the R-3-B district; and
- The proposed rezoning is consistent with the City of Troy Comprehensive Plan.











Scheduled Planning Commission Meeting  
(Held every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of the month at 3:30 p.m.)

Date Requested: 4-8-15  
Applicant(s) scheduled on the agenda will be notified

Office Use Only

Date Filed 4-2-15  
Accepted by \_\_\_\_\_  
Filing Fee Pd. \$150.00  
Receipt # 20150118

APPLICATION IS DUE TWO (2) WEEKS PRIOR TO MEETING

Meeting Date: 4-8-15

## APPLICATION FOR ZONING AMENDMENT CITY OF TROY PLANNING COMMISSION

(MUST BE TYPED OR PRINTED LEGIBLY IN BLACK INK)

(READ SECTION 1139 OF THE ZONING CODE BEFORE COMPLETING APPLICATION)

An application for an amendment to the City of Troy, Ohio Zoning Code that would change the zoning classification for the property located at Troy - Pigva Rd. - 25.422 AC.

being lot number(s) PT IN LOT 9891 from AG-RES to R-3 B  
(Parcel Identification Number) (Existing Zoning Classification) (Proposed Zoning Classification)

### OWNER

Name TTF Brown, LLC  
Address P.O. Box 1980  
City Jarago  
State N.D.  
Zip Code 58107  
Phone No. \_\_\_\_\_  
Fax No. \_\_\_\_\_  
Email \_\_\_\_\_

### APPLICANT

Name Nottingham Dev., Inc.  
By: Jessica Minesinger, President  
Address 7 S. Plum Street  
City Troy  
State OH  
Zip Code 45373  
Phone No. (937) 335-0110  
Fax No. (937) 332-7701  
Email jessicaminesinger@msn.com

The applicant is the Purchaser/Developer of the property, which is subject to this application.  
(State the interest of the applicant)

### PLEASE PROVIDE THE FOLLOWING:

1. The reasons for seeking a change in the zoning classification or zoning text: Attach as **EXHIBIT "A"**.
2. The legal description of the land proposed to be reclassified: Attach as **EXHIBIT "B"**.
3. A site plan prepared by a registered engineer, surveyor or architect in duplicate drawn to such scale as to clearly show:
  - a. The actual dimensions of the subject property according to the recorded plat of such property, lot numbers, it's present zoning classification, existing and proposed uses: Attach as **EXHIBIT "C"**.
  - b. The present zoning classification of all surrounding lands located within two hundred and fifty (250) feet of the land proposed to be reclassified: Attach as **EXHIBIT "D"**.
  - c. A list (see example) of the names, addresses, and lot numbers of the owners of property within a radius of two hundred and fifty (250) feet from the parcel or parcels of land proposed to be reclassified: Attach as **EXHIBIT "E"**
    - i. Include one (1) copy of County Tax Maps
    - ii. Include two (2) sets of mailing labels
4. 2 complete sets (Exhibits A-E) reproducible in a format no larger than 11"x17"
5. Filing Fee of \$150.00 made payable to the City of Troy

I HEREBY DEPOSE AND SAY THAT THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN ALL THE EXHIBITS PREPARED BY ME AND TRANSMITTED HERewith ARE TRUE.

Subscribed and sworn to before me this 2 day of April, 2015

President (Applicant Signature)



Commission Expires 9-8-19

(Month/Date/Year)

KAREN BOONE, Notary Public  
In and for the State of Ohio  
My Commission Expires 9-8-19  
Recorded in Miami County

(Notary Public)

(For Office Use Only - Do Not Write Below This Line)

#### REQUIRED DOCUMENTS:

EXHIBIT A	Reasons for Zoning Reclassification
EXHIBIT B	Legal Description
EXHIBIT C	Site Plan: lot dimensions, lot numbers, current zoning, existing and proposed uses
EXHIBIT D	Site Map with Zoning & Owners within 250 feet of parcel
EXHIBIT E	Property Owners List within 250 feet of parcel
Labels	Two (2) Sets of Mailing Labels of Property Owners
Copies	Fifteen (15) Complete Sets in a reproducible format 11"x17"
Map(s)	One (1) County Tax Map(s)
Filing Fee	Check issued to City of Troy for \$150.00

Additional Documentation (List):

#### PLANNING COMMISSION DISPOSITION:

PUBLIC HEARING DATE

RECOMMENDATION TO CITY COUNCIL

#### CITY COUNCIL DISPOSITION:

1<sup>st</sup> Reading: 2<sup>nd</sup>: 3<sup>rd</sup>: PUBLIC HEARING DATE

COUNCIL COMMITTEE RECOMMENDATION

Approved: Denied: CITY COUNCIL ACTION

Ordinance Number:

Effective Date:

Revised 10/25/11

Date: April 1, 2015

Re: Application for Zoning Amendment – 25.4 Acres (In Lot 9891) – Troy-Piqua Road Troy, Ohio

On behalf of Nottingham Development, Inc., I am seeking a zoning amendment on 25.4 Acres located on Troy-Piqua Road in the City of Troy to R3-B Single Family Residential zoning. The parcel is contiguous to the Nottingham Subdivision and is currently zoned Ag-Residential.

We are seeking a zoning change to R-3B which requires a minimum of 12,000 s.f. lots. It is our intention to develop the property as an extension of the Nottingham neighborhood with 51 single family residential lots. The lots would be developed as Sections 9, 10 & 11 of Nottingham, comprising approximately 17 lots per section. The current Nottingham Covenants and Restrictions, including the square footage requirements, etc.) will be applied to these lots.

We will begin developing the final 19 lots of Nottingham this spring. This neighborhood has been a great addition to the City of Troy. The price range of homes is averaging \$275,000 - \$400,000 including lot.

Rezoning the 25.4 acre property from Ag-Residential to R3-B is a benefit to the City of Troy for the following reasons:

- The rezoning will provide additional lot inventory for homes in the \$275,000 – 400,000 price range
- Based on the current absorption rate in Nottingham, the 51 lots, once developed, would provide approximately 4-5 years of lot inventory.
- Rezoning to R3-B results in a lot density of 2 lots per acre
- The Nottingham subdivision is zoned R-4 (9,000 s.f. minimum lots). The R3-B zoning requested, requires larger lots that are a minimum of 12,000 s.f.
- This extension of Loxley Lane will provide access to Troy-Piqua Road for current Nottingham residents and will provide a second means of ingress and egress for the subdivision.
- The rezoning will facilitate the looping of utility lines for the existing subdivision and future development.
- Rezoning and development of this property will provide for the future removal of the existing sewer lift pump station in Nottingham.

Thank you for your time and consideration regarding this matter,

Jessica Minesinger, President  
Nottingham Development, Inc.  
7 S. Plum Street  
Troy, Ohio 45373

937.335.0110 Phone

**EXHIBIT 'B'**  
**LEGAL DESCRIPTION**  
**FOR ZONING CHANGE**  
**FROM AGRICULTURE-RESIDENTIAL TO R-3B**

BEING A PART OF INLOT NUMBER 9891 IN THE CITY OF TROY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Beginning at the intersection of the north line of Inlot 9891 and the centerline of Troy-Piqua Road (North Market Street);

thence, South 24°-43'-39" East, 893.73 feet, along the centerline of Troy-Piqua Road, to a point;

thence, South 65°-04'-30" West, 216.41 feet, to a point;

thence, South 70°-52'-08" West, 649.51 feet, to a point;

thence, North 52°-12'-08" West, 147.69 feet, to a point;

thence, South 76°-05'-13" West, 160.36 feet, to a point;

thence, South 37°-53'-38" West, 139.71 feet, to a point;

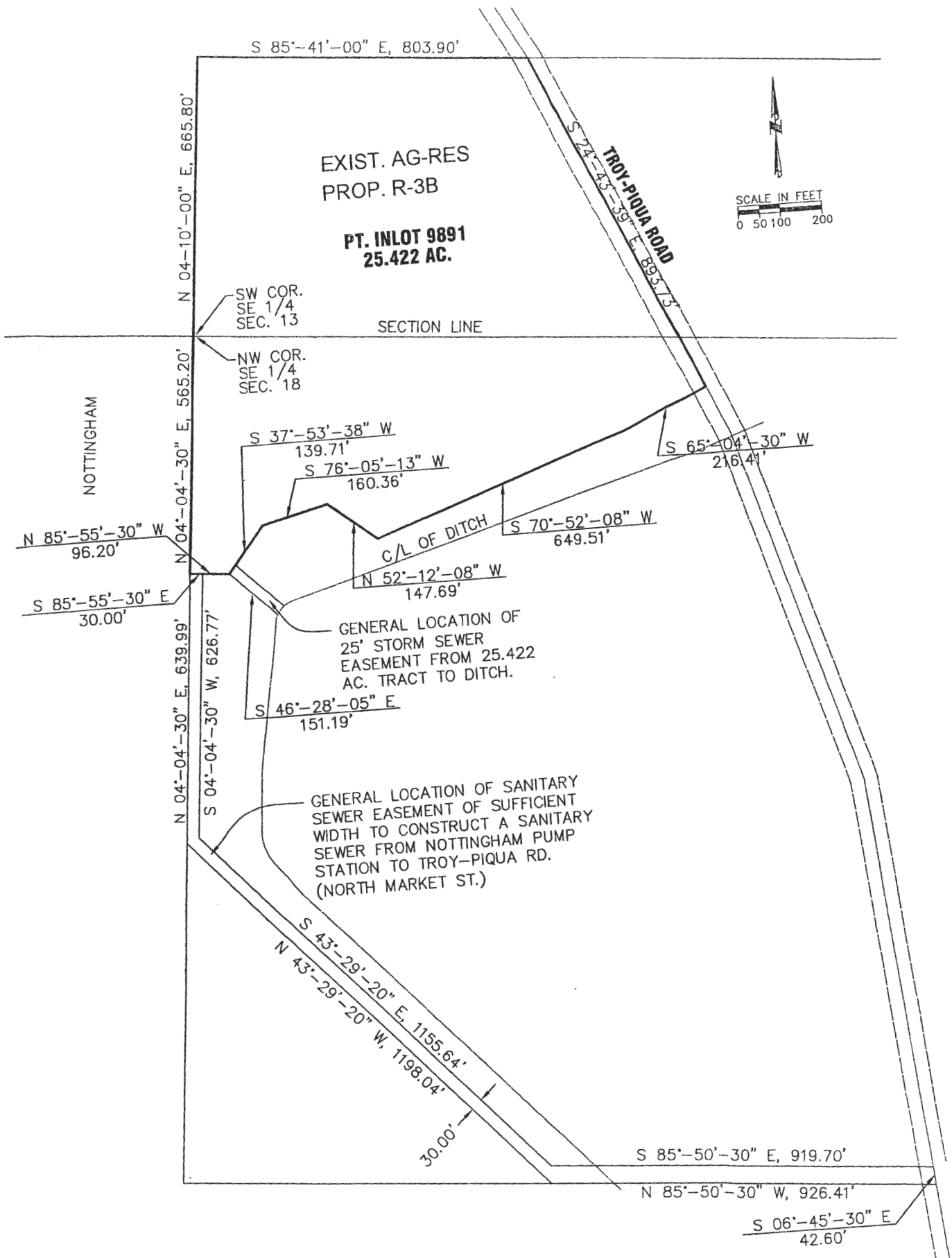
thence, North 85°-55'-30" West, 96.20 feet, to a point in the east line of Nottingham Subdivision, Section 8A and the west line of Inlot 9891;

thence, North 04°-04'-30" East, 565.20 feet, along the east line of Nottingham Subdivision, Section 8A and the west line of Inlot 9891, to a point;

thence, North 04°-10'-00" East, 665.80 feet, along the west line of Inlot 9891, to the northwest corner of same;

thence, South 85°-41'-00" East, 803.90 feet, along the north line of Inlot 9891, to the principal place of beginning.

Containing 25.422 acres more less being rezoned to R-3B.





COUNTY AG





25.422 acres, part of IL 9891, part of Parcel D45-002548



	<b><u>A-R Agricultural-Residential Permitted Uses</u></b>		<b><u>R-3-B Single-Family Residential Permitted Uses</u></b>
	▪ Agricultural uses.		▪ Adult Family Home.
	▪ Hydroponic farms.		▪ Churches, chapels, temples, synagogues.
	▪ Public parks, playgrounds and community centers.		▪ Family Home.
	▪ Public utility.		▪ Foster Family Home.
	▪ Roadside stands – agricultural products grown on premises.		▪ Public parks, playgrounds and community centers.
	▪ Schools – primary, intermediate and secondary – public or private.		▪ Public utility.
	▪ Single family dwellings.		▪ Schools – primary, intermediate and secondary – public or private.
	▪ Veterinary office – with boarding.		▪ Single family dwellings.
	▪ Veterinary office – without boarding.		
	<b><u>A-R Agricultural Residential District uses not permitted in the R-1 Zoning District</u></b>		<b><u>R-3-B Single-Family Residential District uses not permitted in the A-R Zoning District</u></b>
	▪ Agricultural uses.		▪ Adult Family Home.
	▪ Hydroponic farms.		▪ Churches, chapels, temples, synagogues.
	▪ Roadside stands – agricultural products grown on premises.		▪ Family Home.
	▪ Veterinary office – with boarding.		▪ Foster Family Home.
	▪ Veterinary office – without boarding.		

The applicant, Ethan Smith, was present, and provided a better rendering of the sign to show the color. It was stated that the green color is very close to the green in the sign at the restaurant Basil's on Market. In response to a question of Mr. Titterington, it was stated that the signs would not be lighted.

A motion was made by Mr. Titterington, seconded by Mayor Beamish, to approve the wall sign and window sign application for 2½ E. Water Street as submitted, based on the exact colors of PMS 368 Green and Black as viewed by the Commission, and based on the findings of staff that:

- The sign is appropriate in design to the architectural style or period of the building with which it is associated; and
- The colors selected for the sign are compatible with the building with which it is associated; and

The sign is located to reasonably minimize adverse aesthetic effects on the architectural design of the building with which it is associated.

**MOTION PASSED, UNANIMOUS VOTE**

**HISTORIC DISTRICT REVIEW: 3 EAST WATER STREET FOR INSTALLATION OF A GROUND SIGN; OWNERS -**

**JEFFREY AND ROBIN ODA; APPLICANT - CHRISTINE SHELL:** A report of the staff noted that: building is located at the north east corner of East Water Street and North Market Street; zoning is B-3 Central Business District; location is currently is the office of Zeal Coaching; description is building is a two story brick dwelling with an addition, the core building is in the Federal style, constructed in 1835 by William Barber, with additions in 1841 and 1847; property is not listed on the National Register of Historic Places; application is for a single faced ground sign in the front lawn area (location as in rendition provided with application); colors are computer generated and will be Roland RVW-DK30K, Process Yellow, Blue and Black; applicant will install appropriate landscaping around the base when the sign is installed; sign area requested in 11.44 square feet, less than the allowed area of 42 square feet of ground signage; the owner has provided written permission for the proposed sign; and staff recommends approval of the proposed wall sign, based on the following:

- The sign is appropriate in scale to the building with which it is associated; and
- The sign is appropriate in design to the architectural style or period of the building with which it is associated; and
- The colors selected for the sign are compatible with the building with which it is associated; and
- The sign is located to reasonably minimize adverse aesthetic effects on the architectural design of the building with which it is associated.

Both the owner, Robin Oda, and the applicant, Christine Shell, were present.

In response to questions of the Commission members, it was stated that the sign would not be lighted, the sign is approximately 5' in height and the post is approximately 7' - 8' in height and the sign will be installed so it is closer to the ground than the top of the post; and the shape of the sign includes a rounded top as shown in the application.

A motion was made by Mr. Titterington, seconded by Mrs. Mahan, to approve the ground sign application for 3 E. Water Street as submitted including location and landscaping, based on the exact colors of Roland RVW-DK30K, Process Yellow, Blue and Black Pantone Blue 3125, Black and White as viewed by the Commission, and based on the findings of staff that:

- The sign is appropriate in scale to the building with which it is associated; and
- The sign is appropriate in design to the architectural style or period of the building with which it is associated; and
- The colors selected for the sign are compatible with the building with which it is associated; and
- The sign is located to reasonably minimize adverse aesthetic effects on the architectural design of the building with which it is associated.

**MOTION PASSED, UNANIMOUS VOTE**

**REZONING REQUEST - PART OF INLOT 9891 OF PARCEL D45-002548 ON PIQUA-TROY ROAD FROM**

**AGRICULTURAL-RESIDENTIAL TO R-3-B SINGLE-FAMILY RESIDENTIAL DISTRICT; OWNER: TTF BROWN LLC;**

**APPLICANT: NOTTINGHAM DEVELOPMENT INC. (JESSICA MINESINGER):** A report of staff noted that: Jessica Minesinger, President of Nottingham Development, Inc., has applied for Planning Commission to consider allowing the rezoning of part of Inlot 9891, parcel D45-002548 (25.422 ac.) located west of Piqua-Troy Road; property is zoned A-R, Agricultural-Residential, and the applicant requests that the zoning of the parcel be rezoned to R-3-B Single-Family Residential; land is currently undeveloped and located west of Piqua-Troy Road and east of the Nottingham Subdivision; surrounding zoning districts include County Zoning of A-2, General Agriculture, to the north, City of Troy zoning of Agricultural-Residential to the east, Office-Commercial Zoning (OC-1) to the south, and R-4, Single-Family Residential, to the west of the parcel; applicant has indicated the property will be developed as an extension of the Nottingham subdivision; Zoning Code describes the current A-R zoning district as "designated to provide for both agricultural and residential activity on large tracts and open land with a minimum of five (5) acres or greater of lot per dwelling unit. This district is mapped in undeveloped areas along existing roadways where there is minimal water and sewer service"; Zoning Code describes proposed R-3-B zoning district as "designed to accommodate single-family dwellings on lots with areas of at least twelve thousand (12,000) square feet per dwelling unit. This district will be mapped for selected areas, which will develop in the future. The Comprehensive Plan describes the R-3-B District as medium density"; as a part of the staff report, the Commission received a list of all the A-R and R-3-B zoning districts uses and a list showing comparisons between permitted uses of each zoning district; Comprehensive Plan's Future Land Use Map (Figure 14-2) displays this property as future residential use; specifically Chapter 14 under the Northeast Sub-Area, the Comprehensive Plan states "The desired future residential development for this area is low-density residential, due to the both the characteristics of the land and the adjacent uses to the south. The existing road network cannot support unrestricted or increased numbers of similar residential densities. With future improvements to the road network, however, higher densities could be accommodated"; in accordance with the Thoroughfare Plan, the City is in the process of improving the road network in the area and is making a significant improvement to the intersection of Piqua-Troy Rd. & Troy-Urbana Road; with the improvements, any future residential development on this property can be handled by the current road network; and regarding the criteria on which to base zoning decisions, the staff report noted:



(A) Whether the change in classification would be consistent with the intent and purpose of this Zoning Code.

The proposed rezoning is consistent with the Zoning Code. Section 1131.02(o) & (r) state the purposes of the Zoning Code are to preserve and enhance property value, and direct particular land uses to the parcel of land best suited for them. The proposed rezoning request achieves these purposes.

(B) Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions.

The proposed rezoning is not made necessary because of changing conditions in the affected area. The proposed use will not have any adverse effects in the area and is similar to the residential uses that currently exist to west.

(C) Whether the uses that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity.

The proposed use is compatible and similar to the residential uses that currently exist to west and will provide a second point of ingress and egress to the residents of the Nottingham Subdivision.

(D) Whether adequate utility, sewer, and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on a property if it were reclassified.

All utilities can be provided.

(E) The amount of vacant land that currently has the same zoning classification as is proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances, in any, that make a substantial part of such vacant land unavailable for development.

In the vicinity of the subject property, there is no available vacant land with the R-3-B zoning classification.

(F) Whether the proposed amendment would correct an error in the application of this Zoning Code as applied to the subject property.

Not applicable in this request.

The staff report further noted that a public hearing by the Commission is not recommended due to the straightforward nature of the rezoning request, and that Council would hold a public hearing, and staff recommends approval based on:

- o The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
- o The proposed rezoning is consistent with the surrounding zoning districts; and
- o Proposed use is consistent with permitted uses in the R-3-B district; and
- o The proposed rezoning is consistent with the City of Troy Comprehensive Plan;
- o The development would provide a second point of ingress and egress for the residents of the existing Nottingham Subdivision by requiring access to Piqua-Troy Road, and allows the city to require the looping of utility lines in the area.

Assistant Fire Chief Matt Simmons commented that from an access for response viewpoint, the Fire Department supports a second access into the Sherwood and Nottingham Subdivisions.

Jessica Minesinger, the applicant, commented that this would be the last area of the Nottingham Subdivision; it would be developed in three sections under the covenants and restrictions of the Nottingham Subdivision; there would be about 50 lots total which would allow for two lots per acre on an average; and it is anticipated the build out would be about 12 houses per year with a price range of \$275,000 - \$400,000.

Mr. Titterington asked the City Engineer about plans to look at the traffic flow related to Piqua-Troy Road and a deceleration lane may be necessary. Mrs. Rhoades commented that the Engineering Department will be working with the County regarding traffic and she will be looking at the traffic impact.

Public Hearing: A motion was made by Mr. Titterington, seconded by Mr. McGarry, that the Planning Commission not hold a public hearing on the rezoning of part of Inlot 9891, noting that Council will hold a public hearing.

**MOTION PASSED, UNANIMOUS VOTE**

Recommendation: A motion was made by Mr. McGarry, seconded by Mrs. Mahan, to recommend to Troy City Council that Council approve the rezoning of part of Inlot 9891 of Parcel of Parcel D45-002548 on Piqua-Troy Road from Agricultural-Residential to R-3-B, Single-Family Residential District, as requested by the applicant and as recommended by City staff based on:

- o The proposed rezoning is consistent with the intent and purposes of the City of Troy Zoning Code; and
- o The proposed rezoning is consistent with the surrounding zoning districts; and
- o Proposed use is consistent with permitted uses in the R-3-B district; and
- o The proposed rezoning is consistent with the City of Troy Comprehensive Plan;
- o The development would provide a second point of ingress and egress for the residents of the existing Nottingham Subdivision by requiring access to Piqua-Troy Road, and allows the city to require the looping of utility lines in the area.

**MOTION PASSED UNANIMOUS VOTE.**

There being no further business, the meeting adjourned at 3:53 p.m.

Respectfully submitted,

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary





## ITEMS OF INTEREST

**TO:** Mayor Beamish  
Mrs. Baker, President of Council  
Council Members

**FROM:** Patrick E. J. Titterington, Director of Public Service and Safety

**DATE:** May 1, 2015

A handwritten signature in red ink, likely of Patrick E. J. Titterington, is written over the "FROM:" line.

We are providing the following for your information:

- Major Project Update:
  - Sidewalk Program 8 – work has restarted with the remainder of the sidewalk marked for replacement. Once the contract is complete, assessments will be finalized.
  - North Market Street/Piqua-Troy/Troy-Urbana Intersection Realignment – Troy-Urbana Road is on schedule and opened on May 1. Final restoration and punch list items are being performed.
  - Barnhart Road, Arthur Road, Oak Street, Scott Street & Frank Street Waterlines – Barnhart/SR-718 water main installation is complete and testing of the water main is proceeding. Restoration and driveway culverts are “roughed” in, but final restoration will commence in the next couple of weeks. Oak Street will commence after the Barnhart roadwork is complete.
  - Adams Street Phase 2 – contractor is working on the bike path portion of the project. Bike path access ramp will commence after the Troy Strawberry Festival, Hobart Arena Sign has been installed and Community Park fence railing requires spot repair by the manufacturer.
  - Finsbury Lane, Riverside Drive and Race Drive Waterline – water main is installed. Final restoration took place in the past week. The contractor is performing punch list items prior to final completion.
  - Sewer Lining Project – Miller Pipeline is lining in Southview and northeast of the river. Miller Pipeline is also progressing with lining of manholes in conjunction with the sanitary sewer lining. Downtown manhole replacement is complete. Layne Inliner has completed lining the Southwest Interceptor and a walk through for final site restoration was performed this week.
- In recognition of the Memorial Day Holiday, City Offices will be closed on Monday, May 25, 2015. Residential trash and recycling will be picked up on Memorial Day. There will be no delay in these collections. The Dye Mill Road facility will also be open on Memorial Day.

- Local Veterans Organizations have scheduled the following for Memorial Day:
  - A brief ceremony will be held on the Adams Street Bridge at 10:00 a.m.
  - The Memorial Day Ceremonies at Veterans Memorial Park in Riverside Cemetery will start at 10:30 a.m.
- Don't forget that the opening ceremony for the 2015 Sculpture on the Square will be held on Sunday May 3 from 2:00 – 4:00 p.m. on the Miami County Courthouses Plaza. The placement of the sculpture exhibit "Return Visit" went quite smoothly and was observed by a number of people. The boom part of the crane experienced a malfunction after the sculpture was placed and it took until approximately noon on April 30 for it to be repaired and removed. However, our plan was for a small portion of Main Street to be closed for two days, and the roadway was opened after being closed for only one-and-a-half days.
- The annual Fire Hydrant flushing program will commence Monday, May 11. A copy of the news release is attached.
- Other information provided by City departments is attached.

#### **Upcoming Events at Hobart Arena**

May 9, 2015	AAYA Cheer Competition
May 19, 2015	Troy High School Awards Assembly
May 21, 2015	Upper Valley Career Center Graduation
May 22, 2105	Miami East Graduation
May 23, 2015	Troy High School Graduation
May 24, 2015	Covington High School Graduation
July 9 – 12, 2015	Troy Skating Club Summer Skating Competition
November 20, 2015	Great White and Slaughter Concert

#### **Prouty Plaza Schedule**

May 18, 2015	11:45 a.m.	Troy Jazz Band Concert
May 20, 2015	11:45 a.m.	7 <sup>th</sup> Grade Band Concert
May 21, 2015	11:45 a.m.	8 <sup>th</sup> Grade Band Concert
May 24, 2015	7:00 p.m.	Troy Civic Band Concert
May 29, 2015	5:00 p.m.	Troy Streets Alive
June 25, 2015	8:00 p.m.	Cincinnati Symphony Concert
June 26, 2015	7:30 p.m.	Eric Jeradi Band Concert
June 28, 2015	7:00 p.m.	Troy Civic Band Concert

Items of Interest  
May 1, 2015  
Page Three

**Calendar of Meetings**

May 4, 2015	7:00 p.m. Council	City Hall Council Chambers
May 5, 2015	11:00 a.m. Park Board	City Hall Council Chambers
May 13, 2015	3:30 p.m. Planning Commission	City Hall
May 18, 2015	7:00 p.m. Council	City Hall Council Chambers

If you have any questions, please do not hesitate to contact this office.

Enclosure

cc: Department Heads

NEWS RELEASE  
CITY OF TROY, OHIO  
FIRE HYDRANT FLUSHING SCHEDULE

**FOR IMMEDIATE RELEASE**

The City of Troy will start the annual fire hydrant flushing project on Monday, May 11, 2015. To check when hydrants may be flushed in your neighborhood, go to the City website [www.troyohio.gov](http://www.troyohio.gov), click on "I Want To" and then click on "Fire Hydrant Flushing Schedule Map" on the right side. This will show you the interactive hydrant flushing map and schedule.

While the City of Troy water is always safe to drink, if citizens notice the water has a brownish tint, this can be corrected by simply running the tap water until the water is clear (2-3 minutes).

Questions are referred to the Troy Fire Department, 335-5678.

5-1-2015

Dist: City Web Page  
Departments  
media





**Operations**  
**Items of Interest**  
May 1, 2015

**Street – Including Solid Waste – Jerry Mullins, Foreman**

- Collected and transported 261 tons of residential trash since the last report of 257 tons.
- Delivered recycling bins as requested.
- Sign shop worked on various sign projects.
- Asphalted 13 main breaks and 11 areas marked for repair.
- Dura-patched over 30 pot holes and 20 areas marked for repair.
- Made asphalt repairs with our infrared machine.
- Repaired manholes on South Market Street, on Race Drive, and also in a parking space on South Market Street.
- Began our right-of-way and ditch mowing operations.
- Collected extra trash from residents during spring clean-up.
- Collected T-bags and brush. Several letters were sent out for non-compliant brush piles. We continue to remind citizens that brush must be bundled or placed in T-bags in order for it to be collected by the city. We also are reminding citizens that the Dye Mill Road Facility is open, and we offer that facility in lieu of placing brush at the curb.
- Delivered barricades for the arrival of the bronze sculpture.
- Cleaned the downtown area.

**Electrical – Brian Ferree, Foreman**

- Completed Ohio Utilities Protection Service requests as needed.
- Repaired several fountain lights and performed electrical maintenance on the fountain equipment. The fountain is now operational.
- Installed several new lights above the customer windows in the Billing and Collection Office.
- Installed a new time clock in the school flasher near Concord School.
- Repaired 6 UV lamp units at the Wastewater Treatment Plant.
- Repaired the C-9 LED Christmas lights in preparation for the Christmas season.
- Repaired several new latches on the sports lighting control boxes at Duke Park and North Market Street ball fields.
- Wired a new girls' softball scoreboard at the North Market Street ball field.

**Water Distribution/Sewer Maintenance - Tom Parsons, Foreman**

- Marked numerous Ohio Utilities Protection Service tickets.
- Investigated numerous high consumption alerts.
- Completed a number of work orders for Billing and Collection.
- Shut-off non-payment customers and reconnected as payments were made.
- Repaired a 6" main break on Ridge Avenue.
- Upgraded water services at residences on Simpson Street and East Race Street.

- Flushed and filled new water mains at Barnhart Road and at Oak Street.
- Installed 3 new catch basins and 70 feet of pipe on West Main Street.
- Repaired a storm manhole at the North Market Street ball field.
- Jetted and inspected lines on the streets named on the paving list.

#### **Water Treatment Plant – Jeff Monce**

- Contractor is doing touch-up work on the Train 2 clarifiers. Minor deficiencies in the 2013 recoating work were found during the one-year anniversary inspection. This work is being done under warranty. This firm will begin recoating work on the Air Stripper tower on May 4. This tower will be painted a brick-red color to blend with the adjacent pump house and reduce interference with the North Market Street ball field.
- High Service Pump 1 motor again failed its vibration inspection and has been sent for additional balancing and repair. All repair expenses continue to be covered under warranty.
- Two clarifier basin sludge control panels were upgraded April 30. New MicroLogix 1400 PLC's and Panelview C400 interfaces will be added to enable the WTP to track the critical sludge disposal process with the plant SCADA system.
- Fault settings for the distribution pump VFD drives have been altered to prevent automatic restarts, and to eliminate wide system pressure variations during weather induced power fluctuations.
- A 40 hour shutdown of the west well field was initiated April 22 in response to a 1,000 gallon adhesive spill. This adhesive entered storm sewers on West Stanfield Road. The contamination of a nearby tributary discharging into the Great Miami River near our west production wells prompted the precautionary action. No samples have indicated any contamination of drinking water.
- Plant maintenance replaced a 14-year old water heater.
- Jason Tron has been selected as the new Operations Technician. Congratulations, Jason!

#### **Wastewater Treatment Plant – Tim Snider**

- Installed UV modules for the upcoming disinfection season that began on May 1.
- Don Knife sat for the Class 1 Laboratory Analyst Certification Exam and Tim Parker sat for the Industrial Pretreatment Certification Exam on April 24 in Columbus.
- Worked with DP&L to determine the cause of the overvoltage trips on WAS pump #1 VFD.
- Received three RFP's for Biosolids Management.
- Received flood lights for the outside lighting project. We will be working with the electrical department to get them installed.
- Cleaned debris from the pumps at the Kirk Lane pump station.

Items of Interest		
Engineering Department		
April 17, 2015		
PROJ #	PROJECT	ACTIVE PROJECTS STATUS
2013-11	Barnhart Road, Arthur Road, Oak Street, Scott Street & Frank Street Waterlines	Contract was awarded to Sturm Construction. Work and restoration is complete along Scott and Frank, Streets. Barnhart/SR-718 water main installation is complete and testing of the water main is proceeding. Restoration and driveway culverts are "roughed" in, but final restoration will commence in the next couple of weeks. Oak Street will commence after the Barnhart roadwork is complete.
2013-12	Finsbury, Governors, & Race Waterlines	Contract was awarded to Finrock Construction. Water main is installed. Final restoration took place in the past week. The contractor is performing punch list items prior to final completion.
2014-04 2014-05	Southview & NE River Sewer Relining SW Interceptor Relining	Contract has been awarded to Layne Inliners and Miller Pipeline. We will be notifying property owners as necessary for this project. Layne Inliners has completed the lining of the SW interceptor and a walk through for final site restoration was performed this week. Miller Pipeline is lining in Southview and NE of the river; Miller Pipeline is also progressing with lining of manholes in conjunction with the sanitary sewer lining. Downtown manhole replacement is complete.
2013-14	Adams Street Phase 2	This phase of the project is between the Adams Street Bridge and Staunton Road. Project was awarded to LJ DeWeese. Underground utility work is complete. Stone wall work is complete and railing is to be installed in May. Contractor is working on the bike path portion of the project. Bike path access ramp will commence after the Troy Strawberry Festival, Hobart Arena sign has been installed and and will be operational when electric work is completed.
2013-02	Piqua-Troy/Troy-Urbana Intersection	Troy-Urbana Road is on schedule and opened on May 1. Final restoration and punch list items are being performed.
2015-01	MIA - Troy East Main Street Downtown Streetscape (PID 93240)	ODOT will fund a portion of this project. Design has been done by Poggemeyer Design Group and has been approved by ODOT. Council authorized the AEB's recommendation of modified assessments and Council has authorized the bidding of the project. The bid opening is scheduled for May 6, 2015.
2014-16	Hobart Arena Renovation and Expansion	Council approved the recommendation to enter into an agreement with MSA Architects for the design of this work. Schematic design is finalized and an estimate meeting is scheduled for the beginning of May.

	<b>Items of Interest</b>	
	<b>Engineering Department</b>	
	<b>April 17, 2015</b>	
2014-19	Treasure Island Park Lighthouse	This project is complete.
2014-17	Marina & Boathouse Renovation	The contract was awarded to Bruns General Contracting. Interior demolition is complete, and work on the roof restoration and tower continues.
2014-18	Treasure Island Marina & Park Improvements	Council approved bidding the project in an amount not to exceed \$1,873,000. MCD approved the design.
2014-07	McKaig Road Phase 2	This phase includes work from Monroe Street to Madison Street (RR tracks). Design is complete and is being coordinated with utility companies and CSX. CSX application for a storm sewer has been submitted. Council authorized bidding the project in the amount not to exceed \$1,142,000. The contract was awarded to Finrock Construction Company of Covington, Ohio.
2014-12	EHS Water Tower	Council authorized an agreement for the design of a new Extra High Service Water Tower with the firm of EMH&T. The design kick-off meeting was held and potential sites determined. The City Engineer has contacted property owners to discuss the available opportunities for water tower siting along Washington Road and West Stanfield Road. Positive feedback on potential sites has been received. Site analysis is proceeding by the design engineer.
2014-03	Water Regionalization	Council has authorized a contract with RA Consultants. Staff has submitted all requested information for evaluation, Workshop #2 was held, and the project will continue. Staff and the consultant met with West Milton to discuss details of their existing water system. A separate meeting with Miami County will be scheduled in the near future when RA is ready to proceed with a similar Sewer Regionalization meeting.
2015-05	Sewer Regionalization	Council has authorized a contract with RA Consultants, LLC. The agreement is being signed signed by RA Consultants, LLC and then it will be forwarded to the City for signatures.
2015-03	Washington Road Waterline	Staff entered into an agreement with Choice One Engineering Company for the design of a water loop along Washington Road from West Main Street to West Stanfield Road. Design will begin early summer.
2015-04	Nottingham Subdivision Sewer Gravity	Staff entered into an agreement with Access Engineering, LLC for the design of a gravity sewer from the Nottingham Subdivision to Piqua-Troy Road at Troy-Urbana Road. Design will begin early summer.



	<b>Items of Interest</b>	
	<b>Engineering Department</b>	
	<b>April 17, 2015</b>	
	<b>ANNUAL/OTHER PROJECTS</b>	
2014-21	Sidewalk Program 8	Council authorized bidding for the Phase 8 sidewalks where the property owner did not take out a permit to do the work. Project was awarded to I.F. Weber. Work has restarted with the remainder of the sidewalk marked for replacement. Once the contract is complete, assessments will be finalized.
2015-14	Paving Program	Council authorized bidding of \$1,068,000 for paving City streets. Bids were received and the Engineering Department will be making a recommendation in the next week.
	ODOT Paving (PID 91802)	Staff is working with ODOT regarding the paving along SR 55 on the west side of town as well as the traffic circle. ODOT has issued the Final Legislation which City Council passed and our payment has been made. A pre-construction meeting is scheduled for mid-April. The paving will occur during State Fiscal Year 2016 (after July 1).
	MV Lighting Street Light Contract - Street Light Conversion	Staff has started working with Miami Valley Lighting (MVL) and MVCC to determine the best way to convert the City's Mercury Vapor (MV) street lights to High Pressure Sodium (HPS) street lights as required by law. As a trial, LED street lights have been installed on Plum Street, Short Street, Adams Street, and along Shaftsbury Road at Adams Street. Street light additions and possible excess lighting are being monitored in conjunction with the Police Department.
	Engineering Electronic File Reorganization	Staff has been working with an outside contractor to make the Engineering electronic files organized in such a way that all staff can have access to most documents. This will improve efficiency with document filing and is expected to reduce the volume of space necessary to keep the electronic files. Staff is re-implementing project numbers as well. Record drawings organization and personnel file clean-up continues.
2015-11	Updating City Construction Standards	Staff is working with Choice One Engineering to update our standards.
	GPS Data Collection	Collection of data continues.
	Sidewalk, Sewer, and Sump Inspections	Inspections are continuing to be completed when requested.

	<b>Items of Interest</b>	
	<b>Engineering Department</b>	
	<b>April 17, 2015</b>	
	<b>SUBDIVISION STATUS</b>	
	Dickerson	Section 2 is awaiting final course of asphalt.
	Edgewater	Section 8 is awaiting final course of asphalt.
2015-07	Halifax	Section 1 underground utilities installation is commencing.
2007-25	Hawk's Nest	Section 2 awaiting final course of asphalt.
2015-06	Nottingham	Section 8 construction will begin in the next couple of weeks and expected to be completed in July.
	Oakmont	Section 5 is awaiting final punch list and final course of asphalt.
	Pleasantview Estates	Section 4 plat has been approved. Construction has not yet begun.
	Stonebridge Meadows	Section 1 is complete. Section 2-B awaiting final course of asphalt. Section 3 construction is tentatively expected to occur in June.



Date: April 29, 2015  
To: Patrick Titterington, Director of Public Service and Safety  
From: Jim Dando, Development Director  
Subject: Items of Interest – Community Improvement Corporation of Troy, Ohio Industrial Update

The Community Improvement Corporation of Troy, Ohio (CIC) held its annual meeting on Monday April 27<sup>th</sup>. Although it has no current economic development projects, the CIC's Board of Trustees did discuss the current healthy status of Troy's manufacturing sector. The Board agreed the community has come out of Great Recession even stronger than before, with many businesses growing and expanding in the past year, as follows:

Select Arc, a welding products manufacturer based in Fort Loramie, has bought the RevWires building, located on West Stanfield Road. It opened the Troy Operations with an intended initial employment of 20 jobs. The building is large enough for immediate expansion of production and has extra land for future building additions.

Ecotec LTD, LLC bought the former TDN printing plant on Marybill Drive, and relocated from a smaller, leased space in Piqua. Ecotec is a two-year old US company set up by Swedish company Micropower Invest AB, the leading manufacturer of battery chargers for industrial lift trucks in Europe.

R&E, LLC has completed its conversion of the former Bob Schul tennis barn on Olympic Drive for expansion of West Troy Tool and Machine, with 20,000 square feet available for lease to another manufacturer or warehouse.

WTTM's former space on Marybill Drive remains partially occupied by its sister company, Global Source Manufacturing, with another 20,000 square feet available for yet another small manufacturer. R&E also could relocate GSM to the Olympic Drive WTTM building and sell or lease the entire 46,000 square feet on Marybill Drive.

Remedi has taken the majority of the space in Miller Valentine's Upper Miami Business Center on South Dorset Road. Two bays of 6,400 square feet each remain available for new tenants. They have been used in the past as one tenant space for warehousing, but Miller-Valentine also can build-out to suit a manufacturer or office tenant's needs.

Waco Warehouse has occupied most of the former Nittsu Shoji warehouse on Barnhart Road for its existing industrial logistics customers, but has 40,000 square feet which could be leased separately or dedicated to a new tenant, with or without Waco's logistics services.

Arett Sales' garden catalog distribution center at 1261 Brukner Drive has 63,000 square feet of warehouse space available for lease to another manufacturing or distribution tenant. Some building modifications, such as installation of restrooms, would be necessary if used for anything other than warehousing.

Avenue (formerly United Retail) will lease out its vacant mezzanine call/fulfillment center, which is set for 53 work stations. Avenue also could dedicate up to 100,000 square feet of its active distribution

center to a separate customer or could absorb a similar amount of flow into its own continuing sorting operations.

Earhart Petroleum bought the former 8,000 square feet insurance office building at 1201 Brukner Drive and is in the process of converting it to corporate offices. Its propane gas operations remain at its Lytle Road facility outside Troy city limits and will expand to fill the former office area.

Crown Equipment has completed conversion of the former Motoman assembly plant on Dorset Road and is producing LPG engines for large capacity lift trucks intended for outdoor use.

F&P America has just recently received delivery of the two new large presses going into its recently constructed building addition. Similarly, F.tech R&D North America has completed its building addition and installation of a second test bed which can test shake an entire automobile.

Faurecia Exhaust Systems has restarted additional production at its Archer Drive plant, with employment rising from a low of 30 to over 150 people. Completed systems are being delivered to an Indiana GMC truck plant and straight tube production continues to feed several other Faurecia assembly plants.

Freudenberg-NOK has expanded further into its neighboring building and increased employment to nearly 250 people. This resulted from the earlier purchase of an Iowa competitor and product line expansion.

Novacel/Troy Laminating and Coating have retooled and increased both production and employment.

United Technologies Landing Systems is in the process of a major office remodeling to accommodate the headquarters of UTC's merged aircraft brakes and landing gear businesses.

Clopay continued its vertical integration by investing in additional machinery for panel production, as well as absorbing wood door business previously located in Washington state.

ConAgra continues refinement of its frozen school-lunch pizza product and has expanded the flavor offerings of its popular Slim Jim meat snacks. It also added a health clinic as a benefit for employees and their families.

Other smaller shops and plants also are increasing production, which is increasing the importance of Troy Development Council's workforce development initiatives.



## MEMO

To: Patrick Titterington, Director of Public Service and Safety

From: Tim Davis, Planning & Zoning Manager

Date: April 29, 2015

Subject: Planning Division Update

I have attached two reports which summarize concerns that are being addressed by the Planning Division from April 15, 2015 to April 29, 2015. The first report shows all permits that were issued by the Planning Division. The report contains the address and type of permit and separates the information by each ward. There were 55 permits issued during this time period.

The second report contains the address, type of concern, and a summary of the current status of on-going issues. Both open and closed concerns are listed and are separated by each ward.

As in the past, all costs associated with the removal of trash and elimination of noxious weeds will be invoiced to the property owner. If the property owner does not pay the invoice, the cost will be assessed to the property taxes.

CITY OF TROY  
 PERMIT WORK TYPE STATISTICS REPORT  
 PERMIT DATE: 04/15/2015 TO 04/29/2015

SUBTOTALS	PERMITS	FEEES	EST. COST
F FENCE	13	140.00	0
HO GRAPHICS	1	25.00	0
OC OCCUPANCY-COMMERCIAL	1	50.00	0
OC OFFICE	1	50.00	0
OC OTHER	3	150.00	0
OC RESTAURANT	2	100.00	0
OC RETAIL	2	100.00	0
S BANNER	1	25.00	0
S WALL SIGN	3	130.83	0
S WINDOW SIGN	2	54.75	0
ST SEWER TAP - RES	4	7,200.00	0
SU SUMP	4	0.00	0
T SALE	1	50.00	0
TU TEMPORARY GARDEN CENTER	1	50.00	0
WT WATER TAP-RES	3	6,000.00	0
Z CONCRETE PAD/PADS	1	25.00	0
Z DECK	3	75.00	0
Z INGROUND POOL	2	50.00	0
Z MULTI-FAMILY-RESIDENTAL	1	84.02	0
Z PATIO COVER	1	25.00	0
Z SHED	1	25.00	0
Z SINGLE FAMILY W/BASMNT	4	343.70	0
=====			
GRAND TOTAL	55	\$14,753.30	

CITY OF TROY - WARD ONE  
PERMIT REPORT  
04/15/2015 TO 04/29/2015

2015026F	4/27/2015	1132 GETTYSBURG DR	ANGLE, DALE	0
FENCE		D08057138	1301 CORNISH RD	20.00
		N/A	LV	0
		FENCE - 4/23/15	NL	0
		HERITAGE HILL 8	BA	0
		0/0/		
/				
2015042Z	4/21/2015	1325 MAPLECREST DR	SHAFFER, JOHN AND PAM	0 BUCKEYE POOLS
INGROUND POOL		D08058722	1325 MAPLECREST DR	25.00 5847 FAR HILLS AVE
		N/A	LV	0 DAYTON, OH 45429
		INGROUND POOL - 4/17/15	NL	375 937-434-7916
		NORTHBROOK 3	BA	0
		0/0/		
/				
2015021F	4/21/2015	1219 STEPHENSON DR	GULKER, TERRI	0 WESTERN OHIO FENCE
FENCE		D08101400	1219 STEPHENSON DR	10.00 5410 CO RD 25A N
		N/A	LV	0 PIQUA, OH 45356
		FENCE - 4/13/15	NL	0 937-773-0215
		NORTHBROOK 6	BA	0
		0/0/		
/				

CITY OF TROY - WARD TWO  
PERMIT REPORT  
04/15/2015 TO 04/29/2015

2015023F	4/23/2015	828 ATLANTIC ST	STEWART, RONALD & BETTY	0
FENCE		D08015895	828 ATLANTIC ST	10.00
		N/A	LV	0
		FENCE - 4/21/15	NL	0
		0/0/	BA	0
/				
2015050Z	4/29/2015	913 CROSSBOW LN	BATTISTA, BEN	0 BETTER BUILDERS
PATIO COVER		NA	913 CROSSBOW LN	25.00 847 COBBLESTONE DR
		10211	LV	264 TROY, OH 45373
		COVER OVER CONCRETE SLAB - 4/27/15	NL	0 937-672-2599
		NOTTINGHAM FOUR	BA	0
		0/0/		
/				
2015027S	4/15/2015	119 ELM ST S	DENLINGER, BEN	0
WINDOW SIGN		N/A	PO BOX 645	25.75
		N/A	LV	0
		DENLINGER CONSTRUCTION-SIGN-4/13/15	NL	0
		0/0/	BA	0
/				

2015028OC	4/15/2015	119 ELM ST S	DENLINGER, BEN	0
OFFICE		N/A	PO BOX 645	50.00
		N/A		LV 2600
		DENLINGER CONSTRUCTION (OC) 4/13/15	TROY, OH 45373	NL 0
		0/0/		BA 0
		/		
2015011SU	4/17/2015	819 GOVERNORS RD	KEYSTONE HOMES IN TROY	0 KEYSTONE HOMES
SUMP		N/A	PO BOX 980	PO BOX 980
		10418		LV 1716 TROY, OH 45373
		SUMP - 4/17/15	TROY, OH 45373	NL 2178 937-332-8669
		0/0/		BA 1716
		/		
2015017F	4/20/2015	941 MAIN ST E	BILGER, CAROLYN	0 HESS FENCING
FENCE		N/A	941 MAIN ST E	10.00 12112 STATE ROUTE 185
		N/A		LV 0 VERSAILLES, OH 45380
		FENCE - 4/17/15	TROY, OH 45373	NL 0
		0/0/		BA 0
		/		
2015027OC	4/15/2015	9 MAIN ST W	PERIPHERY VENTURES, INC.	0
OTHER		N/A	10120 COLUMBUS CINCINNATI R	50.00
		N/A		LV 0
		CENTERPOINT CHURCH (OC) 4/8/15	SOUTH CHARLESTON, OH 45368	NL 0
		0/0/		BA 0
		/		
2015031S	4/22/2015	301 MAIN ST W	HAYNER CULTURAL CENTER	0
BANNER		N/A	301 W MAIN ST	25.00
		N/A		LV 0
		TROY-HAYNER - TEMP SIGN - 4/16/15	TROY, OH 45373	NL 0
		0/0/		BA 0
		/		
2015044Z	4/23/2015	514 MAIN ST W	DUNAWAY, SANDY	0
DECK		N/A	508 MAIN ST W	25.00
		N/A		LV 0
		DECK - 4/21/15	TROY, OH 45373	NL 672
		0/0/		BA 0
		/		
2015030OC	4/15/2015	800 MAIN ST W	ZWEIBEL FAMILY LIMITED	0
RETAIL		N/A	2845 MCKAIG RD	50.00
		N/A		LV 3995
		COUNTERPARTS KITCHEN DESIGN (OC) 4/10/1	TROY, OH 45373	NL 0
		0/0/		BA 0
		/		



2015002T	4/23/2015	836 MAIN ST W	ZWIEBEL FAMILY LTD	0	HARLOW BUILDERS
SALE		N/A	2845 MCKAIG RD	50.00	701 MARKET ST N
		N/A		LV	0 TROY, OH 45373
		LA FIESTA, INC. - TENT - 4/16/15	TROY, OH 45373	NL	0 937-339-9944
		0/0/		BA	0

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CITY OF TROY - WARD THREE  
PERMIT REPORT  
04/15/2015 TO 04/29/2015

2015019F	4/21/2015	327 DRURY LN	JOHNSON, JEFFREY	0	
FENCE		D08-008030	327 DRURY LN	10.00	
		508		LV	0
		FENCE - 4/15/15	TROY, OH 45373	NL	0
		N/A		BA	0

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2015029S	4/22/2015	103 MARKET ST S	DAVEY RENTALS	0	CHARACTERS
WALL SIGN		N/A	1640 SURREY RD	40.00	723 MARKET ST S
		N/A		LV	0 TROY, OH 45373
		NEW YORK BAGEL CAFE & DELI (OC) 4/15/15	TROY, OH 45373	NL	0
		0/0/		BA	0

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2015031OC	4/15/2015	103 MARKET ST S	DAVEY RENTALS	0	
RESTAURANT		N/A	1640 SURREY RD	50.00	
		N/A		LV	1500
		NEW YORK BAGEL & DELI (OC) 4/13/15	TROY, OH 45373	NL	0
		0/0/		BA	0

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2015030S	4/22/2015	117 MARKET ST S	DAVEY RENTALS	0	CHARACTERS
WALL SIGN		N/A	1640 SURREY RD	45.00	723 MARKET ST S
		N/A		LV	0 TROY, OH 45373
		ELIZABETH MARIE FASHIONS (OC) 4/16/15	TROY, OH 45373	NL	0
		0/0/		BA	0

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2015029OC	4/15/2015	117 MARKET ST S	DAVEY RENTALS	0	
RETAIL		N/A	1640 SURREY RD	50.00	
		N/A		LV	2000
		ELIZABETH MARIE FASHIONS (OC) 4/13/15	TROY, OH 45373	NL	0
		0/0/		BA	0

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2015024F	4/27/2015	228 UNION ST S	DAVID CHURCH	0	
FENCE		N/A	228 UNION ST S	10.00	
		N/A		LV	0

FENCE - 4/22/15	TROY, OH 45373	NL	0
N/A	0/0/	BA	0

2015025OC	4/15/2015	251 UNION ST S	FRAZIER, JAY	0
OCCUPANCY-COMMERCIAL		N/A	3400 POTOMAC CREEK CT	50.00
		N/A		LV 440
		LOUDMOUTH BURGERS (OC) 4/8/15	ORLANDO, FL -	NL 0
		N/A	0/0/	BA 0

2015002HO	4/23/2015	397 ROSS ST W	WOLFE, HEIDI	0
GRAPHICS		D08049240	397 ROSS ST W	25.00
		N/A		LV 0
		SIGN WOLFE (HO) 4/17/15	TROY, OH 45373	NL 0
		SOUTHVIEW ESTATES 4	0/0/	BA 0

CITY OF TROY - WARD FOUR  
PERMIT REPORT  
04/15/2015 TO 04/29/2015

2015040Z	4/20/2015	2300 CARA DR	WELLS, IAN & BETH	0
SHED		D08102854	2300 CARA DR	25.00
		N/A		LV 0
		SHED - 4/15/15	TROY, OH 45373	NL 100
		CONWOOD ESTATES	0/0/	BA 0

2015014F	4/15/2015	1409 GOLDEN EAGLE DR	MWANATHI, NICHOLAS	0
FENCE		N/A	1409 GOLDEN EAGLE DR	10.00
		N/A		LV 0
		FENCE - 4/9/15	TROY, OH 45373	NL 0
			0/0/	BA 0

2015008SU	4/15/2015	1415 GOLDEN EAGLE DR	RYAN HOMES	0 RYAN HOMES
SUMP		N/A	884 PLEASANT VALLEY DR	884 PLEASANT VALLEY
		10427		LV 2734 SPRINGBORO, OH 45066
		SUMP - 4/9/15	SPRINGBORO, OH 45066	NL 870 937-521-3306
			0/0/	BA 470

2015009SU	4/15/2015	1420 GOLDEN EAGLE DR	RYAN HOMES	0 RYAN HOMES
SUMP		N/A	884 PLEASANT VALLEY DR	884 PLEASANT VALLEY
		10439		LV 2695 SPRINGBORO, OH 45066
		SUMP - 4/9/15	SPRINGBORO, OH 45066	NL 909 937-521-3306
			0/0/	BA 509

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1235WT	4/15/2015	1427 GOLDEN EAGLE DR	RYAN HOMES	0 RYAN HOMES
WATER TAP-RES		N/A	884 PLEASANT VALLEY DR	2000.00 884 PLEASANT VALLEY
		10430		LV 3185 SPRINGBORO, OH 45066
		1" WATER TAP - RESIDENTIAL - 4/8/15	SPRINGBORO, OH 45066	NL 974 937-521-3306
		0/0/		BA 532

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2975ST	4/15/2015	1427 GOLDEN EAGLE DR	RYAN HOMES	0 RYAN HOMES
SEWER TAP - RES		N/A	884 PLEASANT VALLEY DR	1200.00 884 PLEASANT VALLEY
		10430		LV 3185 SPRINGBORO, OH 45066
		5/8" SEWER TAP - RESIDENTIAL 4/8/15	SPRINGBORO, OH 45066	NL 974 937-521-3306
		0/0/		BA 532

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2015038Z	4/15/2015	1427 GOLDEN EAGLE DR	RYAN HOMES	0 RYAN HOMES
SINGLE FAMILY W/BASMNT		N/A	884 PLEASANT VALLEY DR	80.20 884 PLEASANT VALLEY
		10430		LV 1800 SPRINGBORO, OH 45066
		SGL FAMILY W/BASEMENT - 4/8/15	SPRINGBORO, OH 45066	NL 1220 937-521-3306
		0/0/		BA 820

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2973ST	4/15/2015	1428 GOLDEN EAGLE DR	RYAN HOMES	0 RYAN HOMES
SEWER TAP - RES		N/A	884 PLEASANT VALLEY DR	1200.00 884 PLEASANT VALLEY
		10437		LV 3185 SPRINGBORO, OH 45066
		5/8" SEWER TAP - RESIDENTIAL - 4/8/15	SPRINGBORO, OH 45066	NL 974 937-521-3306
		0/0/		BA 532

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1233WT	4/15/2015	1428 GOLDEN EAGLE DR	RYAN HOMES	0 RYAN HOMES
WATER TAP-RES		N/A	884 PLEASANT VALLEY DR	2000.00 884 PLEASANT VALLEY
		10437		LV 3185 SPRINGBORO, OH 45066
		1" WATER TAP - RESIDENTIAL - 4/8/2015	SPRINGBORO, OH 45066	NL 974 937-521-3306
		0/0/		BA 532

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2015045Z	4/24/2015	1428 GOLDEN EAGLE DR	RYAN HOMES	0 RYAN HOMES
SINGLE FAMILY W/BASMNT		N/A	884 PLEASANT VALLEY DR	91.59 884 PLEASANT VALLEY
		10437		LV 3185 SPRINGBORO, OH 45066
		SGL FAMILY W/BASEMENT - 4/8/15	SPRINGBORO, OH 45066	NL 974 937-521-3306
		0/0/		BA 532

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2015010SU	4/15/2015	1435 GOLDEN EAGLE DR	RYAN HOMES	0 RYAN HOMES
SUMP		N/A	884 PLEASANT VALLEY DR	884 PLEASANT VALLEY
		10432		LV 2184 SPRINGBORO, OH 45066
		SUMP - 4/9/15	SPRINGBORO, OH 45066	NL 836 937-521-3306
		0/0/		BA 436

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2015046Z	4/27/2015	1439 GOLDEN EAGLE DR	TATLA, NARINDERPAL	0
DECK		N/A	1439 GOLDEN EAGLE DR	25.00
		10433		LV 0
		DECK - 4/23/15	TROY, OH 45373	NL 616
				BA 0
		0/0/		
/				
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2015047Z	4/27/2015	1443 GOLDEN EAGLE DR	RYAN HOMES	0
DECK		N/A	1443 GOLDEN EAGLE DR	25.00
		10434		LV 0
		DECK - 4/23/15	TROY, OH 45373	NL 550
				BA 0
		0/0/		
/				
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2974ST	4/15/2015	1616 GRAY HAWK CT	RYAN HOMES	0 RYAN HOMES
SEWER TAP - RES		N/A	884 PLEASANT VALLEY DR	1200.00 884 PLEASANT VALLEY
		10447		LV 3185 SPRINGBORO, OH 45066
		5/8" SEWER TAP - RESIDENTIAL - 4/8/15	SPRINGBORO, OH 45066	NL 974 937-521-3306
		0/0/		BA 532
/				
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1234WT	4/15/2015	1616 GRAY HAWK CT	RYAN HOMES	0 RYAN HOMES
WATER TAP-RES		N/A	884 PLEASANT VALLEY DR	2000.00 884 PLEASANT VALLEY
		10447		LV 3185 SPRINGBORO, OH 45066
		1" WATER TAP - RESIDENTIAL - 4/15/15	SPRINGBORO, OH 45066	NL 974 937-521-3306
		0/0/		BA 532
/				
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2015039Z	4/15/2015	1616 GRAY HAWK CT	RYAN HOMES	0 RYAN HOMES
SINGLE FAMILY W/BASMNT		N/A	884 PLEASANT VALLEY DR	80.20 884 PLEASANT VALLEY
		10447		LV 2184 SPRINGBORO, OH 45066
		SGL FAMILY W/BASEMENT - 4/8/15	SPRINGBORO, OH 45066	NL 836 937-521-3306
		0/0/		BA 436
/				
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2015048Z	4/27/2015	1627 GRAY HAWK CT	RYAN HOMES	0 RYAN HOMES
SINGLE FAMILY W/BASMNT		N/A	884 PLEASANT VALLEY DR	91.71 884 PLEASANT VALLEY
		10453		LV 2425 SPRINGBORO, OH 45066
		SGL FAMILY W/BASEMENT - 4/22/15	SPRINGBORO, OH 45066	NL 1746 937-521-3306
		0/0/		BA 1304
/				
-----				
2015016F	4/20/2015	2450 IVYWOOD CT	AYICHEW, EFREME E & ADDISALEM	0
FENCE		D08103154	2450 IVYWOOD CT	10.00
		N/A		LV 0
		FENCE - 4/15/15	TROY, OH 45373	NL 0
		KENSINGTON 3		BA 0
		0/0/		
/				
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2015002TU	4/23/2015	850 MARKET ST S	MORRIS, ROD JOHN	0
TEMPORARY GARDEN CENTER		N/A	354 YORKTOWN CIRCLE	50.00
		N/A		LV 0



TRUE VALUE - TEMP GARDEN CENTER -4/16/1 COLD SPRING, KY 41076  
0/0/

NL 0  
BA 0

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2015033OC 4/29/2015 100 MARKET ST W MORRISON, DICK 0  
RESTAURANT N/A 100 MARKET ST W 50.00  
N/A LV 1873  
DUCKY'S (OC) 4/24/15 TROY, OH 45373 NL 0  
0/0/ BA 0  
/

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2015049Z 4/29/2015 2407 WORTHINGTON DR LEE, LARRY 0  
CONCRETE PAD/PADS D08103190 2407 WORTHINGTON DR 25.00  
N/A LV 0  
PATIO, SHED W/ CONCRETE PAD - 4/24/15 TROY, OH 45373 NL 564  
KENSINGTON 3 0/0/ BA 0  
/

CITY OF TROY - WARD FIVE  
PERMIT REPORT  
04/15/2015 TO 04/29/2015

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2015018F 4/21/2015 1358 FARNHAM RD DODD, JENNIFER 0  
FENCE D08046370 1358 FARNHAM RD 10.00  
N/A LV 0  
FENCE - 4/14/15 TROY, OH 45373 NL 0  
SOUTHBROOK 1 0/0/ BA 0  
/

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2015025F 4/27/2015 227 PENN RD MELTON, LOIS 0  
FENCE D08030830 227 PENN RD 10.00  
N/A LV 0  
FENCE - 4/23/15 TROY, OH 45373 NL 0  
EDGEHILL 0/0/ BA 0  
/

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2015015F 4/15/2015 149 RIDGE AVE S BAER, ERICA 0 QUALITY LAWN, LANDSCAPE &  
FENCE N/A 149 RIDGE AVE S 10.00 1565 HUFFORD RD S  
N/A LV 0 CASSTOWN, OH 45312  
FENCE - 4/13/15 TROY, OH 45373 NL 0 937-339-0269  
0/0/ BA 0  
/

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2015026OC 4/15/2015 1085 MAIN ST W BROCK, KEVIN 0  
OTHER N/A 2578 ST RT 55 W 50.00  
N/A LV 1928  
RESTORATION HAIR STUDIO (OC) 4/9/15 TROY, OH 45373 NL 0  
N/A 0/0/ BA 0  
/

2015028S	4/16/2015	1085 MAIN ST W	BROCK, KEVIN	0
WINDOW SIGN		N/A	2578 ST RT 55 W	29.00
		N/A		LV 1928
		RESTORATION HAIR STUDIO-SIGN-4/15/15	TROY, OH 45373	NL 0
		N/A	0/0/	BA 0
		/		

CITY OF TROY - WARD SIX  
PERMIT REPORT  
04/15/2015 TO 04/29/2015

2015041Z	4/21/2015	520 BAYWOOD CT	DELLER, MATTHEW	0 BUCKEYE POOLS
INGROUND POOL		N/A	520 BAYWOOD CT	25.00 5847 FAR HILLS AVE
		9031		LV 0 DAYTON, OH 45429
		INGROUND POOL - 4/14/15	TROY, OH 45373	NL 360 937-434-7916
		STONEBRIDGE	0/0/	BA 0
		/		

2015020F	4/21/2015	520 BAYWOOD CT	DELLER, MATTHEW	0 BUCKEYE POOLS
FENCE		N/A	520 BAYWOOD CT	10.00 5847 FAR HILLS AVE
		9031		LV 0 DAYTON, OH 45429
		FENCE - 4/15/15	TROY, OH 45373	NL 0 937-434-7916
		STONEBRIDGE	0/0/	BA 0
		/		

20150320C	4/23/2015	1880 MAIN ST W	SINGER PROPERTIES	0
OTHER		N/A	2305 FAR HILLS AVE, SUITE 2	50.00
		N/A		LV 1330
		GREAT CLIPS (OC) 4/16/15	DAYTON, OH 45419	NL 0
			0/0/	BA 0
		/		

2015032S	4/23/2015	1880 MAIN ST W	SINGER PROPERTIES	0 KESSLER SIGN
WALL SIGN		N/A	2305 FAR HILLS AVE, SUITE 2	45.83 5804 POE AVE
		N/A		LV 0 DAYTON, OH 45414
		GREAT CLIPS - SIGN -3/25/15	DAYTON, OH 45419	NL 0 937-898-0633
			0/0/	BA 0
		/		

2015022F	4/21/2015	686 SEDGWICK WAY	OTSTOT, JOSHUA J & STACEY L	0 ALL STAR FENCE
FENCE		N/A	686 SEDGWICK WAY	10.00 3921 GRAHAM DR
		9914		LV 0 BEAVERCREEK, OH 45431
		FENCE - 4/16/15	TROY, OH 45373	NL 0 937-458-3558
		STONEBRIDGE	0/0/	BA 0
		/		

2015043Z	4/21/2015	2206 SHAMROCK LN	MESSLER FAMILY INVESTMENTS	0 FIRST TROY
MULTI-FAMILY-RESIDENTAL		N/A	997 MARKET ST N, SUITE 4	84.02 997 N MARKET ST., SUITE 4
		9152		LV 2487 TROY, OH 45373

THREE FAMILY RESIDENTIAL - 4/14/15  
N/A

TROY, OH 45373

NL 915 937-335-5223  
BA 0

/

2976ST 4/16/2015 2206 SHAMROCK LN  
SEWER TAP - RES N/A

9152

5/8" SEWER TAP (3) - RESIDENTIAL 4/16/1 TROY, OH 45373  
N/A

0/0/

/

MESSLER FAMILY INVESTMENTS  
997 MARKET ST N, SUITE 4

0 FIRST TROY  
3600.00 997 N MARKET ST., SUITE 4  
LV 2487 TROY, OH 45373  
NL 915 937-335-5223  
BA 0

**CITY OF TROY - WARD ONE  
VIOLATIONS BY FILE DATE  
04/15/2015 TO 04/29/2015**

File Date	Address	Violation	File Date	File Date
04/16/15 20150514	1132 GETTYSBURG DR	TRASH & DEBRIS HERITAGE HILL 8	04/16/15	08/14/15
<p>4-16-15 sb Trash between house and fence. Also trash in front of the Ara eppu Some of it is normal weekly trash, other is just junk (red tank). Certificate. Follow up 4-22-15.</p> <p>4-20-15 sb Micah tel 937-308-6767. He removed tires, trash ba s, buckets.</p> <p>4-23-15 sb Micah left messa e askin me to re-inspect the trash now.</p> <p>4-23-15 sb Re-inspected and then talked to Micah. I told him that when he said he would be usin a tire for a planter and han it on the fence, I assumed he meant on the inside of the fence. He has 3 tires on the fence. Told him that he needs to put them on the inside of the fence so they are not visible from the public ri ht-of-way. He said he would. There is also misc. fencin pieces in his driveway. He said he needed those to use when he fixes the fence. Told him he needs to put them in the back behind the fence so they can't be seen. I also asked about the junk mustan he has brou ht in and told him I know he has expired ta s. They expired 10/2014. He said he trailered it into the property from Cleveland and he hasn't had time to chan e the title. I told him I would ive him until 4-30-15 to et ood ta s or I would write it up for a junk vehicle violation. I also asked if it was operable, he said it was. I asked him then why he had the tire chocked. He said when they took it off the trailer he threw the bricks under there because it's a 4 speed manual and he wasn't sure if the E brake would freeze up. I told him that if the transmission was in ood workin order he wouldn't need the chock. Told him to make sure the vehicle was in operable condition. He said ok.</p>				

File Date	Address	Violation	File Date	File Date
04/16/15 20150515	1132 GETTYSBURG DR	FENCE PROBLEMS HERITAGE HILL 8	04/16/15	08/14/15
<p>4-16-15 sb Built a fence with no permit. Fence is placed on property line, but is only 3' from nei hbor's fence. There is a header above the ate because the ate is usin slidin barn door hardware. Certificate, follow up 4-27-15.</p> <p>4-20-15 sb Tel Micah 937-308-6767. He will apply for permit for fence and move the fence so it is 5' from nei hbors fence.</p> <p>4-21-15 sb Micah tel. He will be in on 4-24-15 to apply for fence permit.</p> <p>4-23-15 sb Micah in, applied for permit. Keep complaint open until fence is moved 5' from nei hbor's fence.</p>				

File Date	Address	Violation	File Date	File Date
04/17/15 20150525	1311 IMPERIAL CT	JUNK VEHICLE N/A	04/17/15	08/15/15
<p>4-17-15 sb Black Dod e Stratus expired 3/15, Red Chrysler Sebrin exp 2/15. Certified, follow up 4-30-15.</p> <p>4-24-15 sb Green card dated 4-20-15. Follow up 4-28-15.</p>				

File Date	Address	Violation	File Date	File Date	File Date
04/17/15 20150524	1348 IMPERIAL CT	TRASH & DEBRIS N/A	04/17/15	08/15/15	04/23/15
<p>4-17-15 sb Couch by dumpster. Certificate, follow up 4-23-15.</p> <p>4-23-15 sb Couch one. Close.</p>					

File Date	Address	Violation	File Date	File Date
04/21/15 20150532	1017 MYSTIC LN S	TRASH & DEBRIS MEADOWLAWN 5A	04/21/15	08/19/15
<p>4-21-15 sb Clean out. Certified, follow-up 4-29-15.</p> <p>4-24-15 sb Dave tel. I explained that we won't take clean outs. He said he would try to et it removed over the weekend.</p>				

**CITY OF TROY - WARD TWO  
VIOLATIONS BY FILE DATE  
04/15/2015 TO 04/29/2015**

File Date	Address	Violation	File Date	File Date
04/16/15 20150511	213 ELM ST S	TRASH & DEBRIS	04/16/15	08/14/15
<p>4-16-15 sb Trash, mattress, sweeper, junk in rear yard. Certificate, follow up 4-24-15.</p> <p>4-22-15 sb Ted tel. He is evictin the tenant and they o to court 4-29-15. She should be one no later than 5-8-15.</p>				

File Date	Address	Violation	File Date
04/20/15 20150530	257 RIVERSIDE DR	TRASH & DEBRIS NO VIOLATION	04/20/15
<p>4-20-15 dp Complaint of trash in the rear yard. Upon inspection, I found no violations, close.</p>			



04/21/15	132 ELM ST S	JUNK VEHICLE	04/21/15	08/19/15	
20150533		N/A			
	4-21-15 sb Van that burnt. Certified and certificate along with property maintenance orders and emergency board up letter. Follow up 4-30-15.				
04/21/15	617 FRANKLIN ST W	TALL WEEDS/GRASS	04/21/15	04/20/16	
20150531		N/A			
	4-22-15 sb Tall weeds, certified and certificate, follow up 4-29-15.				
04/22/15	132 ELM ST S	TRASH & DEBRIS	04/22/15	08/20/15	
20150536		N/A			
	4-22-15 sb Bi piles of shingles, trash from tearing off roof. They will need to get a dumpster to continue with roof and re-modeling. Certified and certificate along with JV, Prop Mtc. Follow up 4-29-15 Mailed 4-23-15.				
04/23/15	240 FINSBURY LN	TRASH & DEBRIS	04/23/15	08/21/15	
20150543		N/A			
	4-23-15 dp Noticed a pile of brush debris at the curb on the Shaftsbury side. Sent letter certificate for mailing. Follow up 4-27-15. 4-27-15 dp Mrs West called and said her neighbors have putting their yard waste in front of her house. I am sending a violation letter to this neighborhood. Follow up 4-30-15.				
04/23/15	564 ROBIN HOOD LN	TRASH & DEBRIS	04/23/15	08/21/15	04/27/15
20150542		N/A		TRASH REMOVED	
	4-23-15 dp Large pile of brush in the street in front of this house certificate letter follow up 4-27-15. 4-27-15 dp Debris removed close.				
04/23/15	260 SHAFTSBURY RD	TRASH & DEBRIS	04/23/15	08/21/15	
20150544		N/A			
	4-23-15 dp Pile of limbs and tall decorative grass and cornstalks at the curb. I asked Capt. Joe Lon to contact this Officer's house to let him know the City would not pick this up in the manner in which it was put out. I also left a door knocker a few days on their door and the debris remains certificate letter follow up 4-27-15. 4-27-15 dp I emailed Capt. Lon asking him to make contact with this officer again as I am sending a 48 hr. letter and if this debris is not removed I will have to send out our contractor. Follow up 4-30-15.				
04/23/15	815 WATER ST W	TRASH & DEBRIS	04/23/15	08/21/15	
20150545					
	4-23-15 dp Noticed a pile of brush at the curb Certified to owner and cc to tenant follow up 4-27-15. 4-29-15 dp Debris one close.				
04/27/15	910 ATLANTIC ST	TALL WEEDS/GRASS	04/27/15	04/26/16	
20150564					
	4-27-15 dp TW and grass Certificate follow up 5-3-15.				
04/27/15	598 MARKET ST N	JUNK VEHICLE	04/27/15	08/25/15	
20150555					
	4-27-15 dp noticed a blue Ford mustang in the driveway with no license plates. It appears inoperative as it looks to not have an engine. Certified letter, follow-up 5-5-15.				
04/27/15	565 SHAFTSBURY RD	TRASH & DEBRIS	04/27/15	08/25/15	
20150554		SHERWOOD MANOR 2			
	4-27-15 dp The owner at 240 Finsbury, Nova West, received a trash/yard waste letter and called and stated the items belong to 565 Shaftsbury Rd. I will attempt a hand delivery and follow up 4-30-15. 4-27-15 dp No answer at the door will send certificate and follow up 5-1-15.				

CITY OF TROY - WARD THREE  
VIOLATIONS BY FILE DATE  
04/15/2015 TO 04/29/2015

04/15/15 20150509	918 FRANKLIN ST E	TRASH & DEBRIS N/A	04/16/15	08/14/15
<p>4-16-15 dp Complaint of trash and debris beside the area in the rear of the property. Letter sent certificate of mailing, follow up 4-21-15.</p> <p>4-21-15 dp Trash and debris remain send a 48 hr follow up 4-24-15.</p> <p>4-21-15 dp Ms Hines called today and we discussed the issue. She asked for a little time to complete follow up 4-29-15.</p> <p>4-29-15 dp Nothing has been done. I will send a 48 hr and follow up 5-4-15.</p>				
04/16/15 20150510	825 CRAWFORD ST S	VEHICLE ON GRASS N/A	04/16/15 VEHICLE MOVED	07/15/15 04/29/15
<p>4-16-15 dp Complaint of a blue 4 door pontiac parked on the grass. Sent letter certified with cc to tenant follow up 4-24-15.</p> <p>4-29-15 dp No green card but I noticed this car has been removed close.</p>				
04/23/15 20150548	20 DAKOTA ST W	SIGN VIOLATIONS	04/23/15	08/21/15
<p>4-23-15 dp Complaint from Ted Mercer of 2 lawn company signs in this yard and upon inspection a violations exists. Sent letter certificate follow up 4-30-15.</p>				
04/23/15 20150549	125 DAKOTA ST W	JUNK VEHICLE N/A	04/23/15	08/21/15
<p>4-23-15 dp Noticed a Ford Bronco in the drive with a left front flat, have had the same issue in the past on this vehicle and at this address. Sent letter certified with cc to tenant follow up 5-1-15.</p>				
04/27/15 20150557	925 CLAY ST S	SIGN VIOLATIONS	04/27/15	08/25/15
<p>4-27-15 dp Noticed an illegal off-premise business sign in the front yard of this address. Sent letter Certificate and follow-up 5-4-15.</p>				
04/27/15 20150556	1023 CLAY ST S	SIGN VIOLATIONS	04/27/15 WACKLER, RANDY	08/25/15
<p>4-27-15 dp Noticed an illegal off premise business sign in the front yard of this address. Sent letter Certificate and follow-up 5-4-15.</p>				
04/27/15 20150558	1019 SCOTT ST	JUNK VEHICLE N/A	04/27/15	08/25/15
<p>4-27-15 dp Complaint of a junk vehicle in the drive on blocks and one in the street with 2 flats and expired tags. I turned the one on the street into the police and am writing up what appears to be a white Saturn that definitely appears inoperable and has no visible tags. This has been a problem in the past at this location. The person who has these vehicle is Dylan Eldridge. Certified letter with a follow up 5-5-15.</p> <p>4-29-17 dp Police gave an extension for the vehicle on street to be brought into compliance. Follow-up 5-5-15.</p>				
04/29/15 20150568	1111 CLAY ST S	TRASH & DEBRIS N/A	04/29/15	08/27/15
<p>4-28-15 dp Complaint of trash along the area off the alley. Upon inspection, the home owner was present and came out and spoke with me. There was not much trash but the animals had gotten into it and the owner said he would have this cleaned up by the end of the week. Follow up 5-1-15.</p>				
04/29/15 20150567	801 CRAWFORD ST S	EXCESSIVE ANIMALS N/A	04/28/15	
<p>4-28-15 dp Complaint of 5 cats and 2 or 3 dogs. I made contact with this tenant. She has 3 dogs that are registered with Miami County Animal Shelter. The cats that are in and around the area are feral cats that several neighbors feed. No violation close.</p>				

CITY OF TROY - WARD FOUR  
VIOLATIONS BY FILE DATE  
04/15/2015 TO 04/29/2015

No violations addressed durin this time period.

CITY OF TROY - WARD FIVE  
VIOLATIONS BY FILE DATE  
04/15/2015 TO 04/29/2015

04/15/15 20150493	746 BRANFORD RD WESTBROOK 7	SIGN VIOLATIONS	04/15/15 COMPLETED	08/13/15	04/22/15
4-15-15 dp Noticed an ille al free standin temp. si n in the front yard. Letter sent Certificate, follow-up 4-23-15.					
4-22-15 dp Si n is one close.					
-----X-----					
04/15/15 20150492	764 DORSET RD N	TRASH & DEBRIS N/A	04/15/15 TRASH REMOVED	08/13/15	04/20/15
4-15-15 dp Noticed a couple of piles of brush and debris and a fan in the street at the curb. I spoke with the nei hbor to the north and she said all of this was her nei hbors at this address. Certificate letter sent, follow up 4-19-15.					
4-20-15 dp Trash and debris one close.					
-----					
04/15/15 20150494	383 WESTON RD N	SIGN VIOLATIONS	04/15/15 COMPLETED	08/13/15	04/23/15
4-15-15 dp Noticed an ille al freestandin temp. business si n in the front yard. Letter sent certificate, follow up 4-23-15.					
4-23-15 Si n one close.					
-----					
04/16/15 20150508	1425 HENLEY RD	PROPERTY MAINTENANCE	04/16/15	08/14/15	
4-16-15 sb Exposed wood on railin , caution tape on stairs, stairs are not usable, loose boards on stairs, hu e potholes in parkin lot. Certified, follow up 5-22-15.					
4-24-15 sb Green card dated 4-21-15. Follow-up 5-22-15					
-----					
04/16/15 20150507	522 LAKE ST	TRASH & DEBRIS N/A	04/16/15	08/14/15	
4-16-15 sb Bunch of loose trash alon alley. Letter sent certified, follow up 4-28-14.					
4-24-15 sb Green card dated 4-20-15. Follow up 4-28-15.					
-----					
04/16/15 20150506	1012 MC KAIG AVE	TRASH & DEBRIS	04/16/15	08/14/15	
4-16-15 sb Back yard full of trash a ain. Letter sent certified and certificate of mail, follow up 4-24-15.					
4-22-15 sb Green card dated 4-21-15. Follow up 4-27-15.					
-----					
04/16/15 20150513	1022 MC KAIG AVE	TRASH & DEBRIS	04/16/15	08/14/15	
4-16-15 sb Brush by alley. Letter sent certified, follow up 4-27-15.					
-----					
04/16/15 20150512	301 RIDGE AVE S	TRASH & DEBRIS	04/16/15 TRASH REMOVED	08/14/15	04/23/15
4-16-15 sb Brush in front of ara e by the alley. Letter sent Certificate of mail, follow up 4-23-15.					
4-23-15 sb Brush one. Close.					
-----					
04/17/15 20150521	921 MC KAIG AVE	JUNK VEHICLE N/A	04/17/15 VEHICLE MOVED	08/15/15	04/27/15
4-17-15 sb Semi-tractor parked in drive with no visible ta . Certified, follow-up 4-28-15.					
4-21-15 sb William Fitzpatrick tel 937-622-2402, He has Saunders Towin comin to haul it away 4-22-15.					
4-21-15 sb Green card dated 4-20-15. Follow up 4-28-15					
4-27-15 sb Semi-trailer is one. Close.					

04/17/15	921 MC KAIG AVE	OVERSIZE PARKING	04/17/15	05/17/16	04/27/15
20150522		N/A	VEHICLE MOVED		
4-17-15 sb Semi-tractor parked in driveway for approximately 2 months. Letter sent Certificate, follow up 5-18-15.					
4-21-15 Tel William Fitzpatrick 937-622-2402. He has Saunders Towin comin tomorrow to take to stora e facility					
4-21-15 sb Green card dated 4-20-15. Follow up 4-28-15.					
4-27-15 sb Semi-tractor one. Close.					
04/23/15	681 BRANFORD RD	TRASH & DEBRIS	04/23/15	08/21/15	04/27/15
20150546		WESTBROOK 7	TRASH REMOVED		
4-23-15 dp Trash at the curb, looks like a move out. Sent letter certificate, follow up 4-27-15.					
4-27-15 dp Trash one close.					
04/23/15	1597 COVENT RD	TRASH & DEBRIS	04/23/15	08/21/15	
20150547		WESTBROOK 3	4-23-15 dp Noticed a pile of brush debris at the curb. Sent		
letter certificate, follow up 4-27-15.					
4-27-15 dp Debris remains. Sent a 48 hr. letter, follow up 4-30-15.					
04/24/15	755 BRANFORD RD	SIGN VIOLATIONS	04/24/15	08/22/15	
20150551		WESTBROOK 7	4-24-15 dp Noticed an insulation business temp. si n in the front		
yard. This si n has no permit and is not allowed. Sent letter Certificate					
Of mail, follow up 5-1-15.					
04/27/15	259 WESTON RD N	TRASH & DEBRIS	04/28/15	08/26/15	
20150566	4-28-15 dp Complaint of trash alon the south side of the house blowin onto the nei hbor's property. Letter sent certificate, follow-				
up 5-2-15.					

**CITY OF TROY - WARD SIX  
VIOLATIONS BY FILE DATE  
04/15/2015 TO 04/29/2015**

No violations addressed durin this time period.

# May 2015

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4 7:00 p.m. Council	5 11:00 a.m. Park Board	6	7	8	9
10 Don't Forget Mom Today 	11	12	13 3:30 p.m. Planning Commission	14	15	16
17	18 7:00 p.m. Council	19	20 1:00 p.m. Rec Board	21	22	23
24	25 City Offices Closed 	26 3:30 p.m. BZA	27 3:30 p.m. Planning Commission	28	29	30
31						



# May 2015

## Monthly Planner

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday																																																																																				
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3	4 5:30 PM - 6:15 PM 4YR OLD COED 6:30 PM - 7:15 PM BOYS 5&6 SOCCER 7:30 PM - 8:15 PM BOYS 7&8 SOCCER	5 6:00 PM - 6:45 PM GIRLS 5&6 SOCCER 7:00 PM - 7:45 PM GIRLS 7&8 SOCCER	6 5:30 PM - 6:15 PM 4YR OLD COED 6:30 PM - 7:15 PM BOYS 5&6 SOCCER 7:30 PM - 8:15 PM BOYS 7&8 SOCCER	7 6:00 PM - 6:45 PM GIRLS 5&6 SOCCER 7:00 PM - 7:45 PM GIRLS 7&8 SOCCER 8:00 PM - 8:45 PM GIRLS SOFT- BALL PITCHING CLINIC	8 7:00 AM TURF UP 3:00 PM - 5:00 PM AAYA DROP OFF EQUIPMENT	9 <b>AAYA CHEER COMPETITION</b>																																																																																				
10	11 7:00 AM TURF DOWN 5:30 PM - 6:15 PM 4YR OLD COED 6:30 PM - 7:15 PM BOYS 5&6 SOCCER 7:30 PM - 8:15 PM BOYS 7&8 SOCCER	12 6:00 PM - 6:45 PM GIRLS 5&6 SOCCER 7:00 PM - 7:45 PM GIRLS 7&8 SOCCER	13 <i>Good Track Meet</i> 5:30 PM - 6:15 PM 4YR OLD COED 6:30 PM - 7:15 PM BOYS 5&6 SOCCER 7:30 PM - 8:15 PM BOYS 7&8 SOCCER	14 8:00 AM BANANA SLUG CON- CERT IN PARKING LOT 8:00 PM - 8:45 PM GIRLS SOFT- BALL PITCHING CLINIC 9:00 PM TURF UP	15 <i>Good Track Meet</i> 7:00 AM COURT DOWN	16																																																																																				
17	18 <b>SET UP STAGE AND CHAIRS</b>	19 <b>HS SR. ASSEMBLY</b>	20 ??? SPECIAL NEED KIDS GR- ADUATION DURING THE DAY	21 <b>UVCC GRADUA- TION 7:00PM</b>	22 9:30 AM - 11:30 AM THS PRACTICE 11:30 AM - 1:00 PM COV PRACTICE 1:00 PM - 2:30 PM ME PRACTICE <b>ME GRAD 7:30PM</b>	23 <b>THS GRADUA- TION 10:30AM</b>																																																																																				
24 <b>COVINGTON GRAD 2:00PM</b>	25 <b>CLOSED MEMO- RIAL DAY</b>	26 <b>START ICE</b>	27 <i>Regional Track Meet</i> <b>FLOOD</b>	28 <b>PAINT AND FLOOD</b>	29 <i>Regional Track Meet</i> <b>FLOOD</b>	30																																																																																				
31	<div> <div>April</div> <table> <tr><td>S</td><td>M</td><td>T</td><td>W</td><td>T</td><td>F</td><td>S</td></tr> <tr><td></td><td></td><td>1</td><td>2</td><td>3</td><td>4</td><td></td></tr> <tr><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td><td>10</td><td>11</td></tr> <tr><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td><td>17</td><td>18</td></tr> <tr><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td><td>24</td><td>25</td></tr> <tr><td>26</td><td>27</td><td>28</td><td>29</td><td>30</td><td></td><td></td></tr> </table> </div> <div> <div>June</div> <table> <tr><td>S</td><td>M</td><td>T</td><td>W</td><td>T</td><td>F</td><td>S</td></tr> <tr><td></td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td></tr> <tr><td>7</td><td>8</td><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td></tr> <tr><td>14</td><td>15</td><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td></tr> <tr><td>21</td><td>22</td><td>23</td><td>24</td><td>25</td><td>26</td><td>27</td></tr> <tr><td>28</td><td>29</td><td>30</td><td></td><td></td><td></td><td></td></tr> </table> </div>					S	M	T	W	T	F	S			1	2	3	4		5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30			S	M	T	W	T	F	S		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30					
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